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Letter dated 16 December 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the written assessment of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, which was approved by the Committee on 16 December 2004. The written assessment is being submitted pursuant to paragraph 15 of Security Council resolution 1455 (2003). I would appreciate it if the written assessment could be circulated to members of the Security Council and issued as a document of the Council.

(*Signed*) Heraldo Muñoz
Chairman
Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and Associated Individuals and Entities

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Enclosure

Written assessment pursuant to paragraph 15 of Security Council resolution 1455 (2003) of action taken by States to implement the measures contained in paragraph 1 of resolution 1455 (2003)

I. Introduction:

The Security Council in paragraph 15 of its resolution 1455 (2003) requested the Committee, based on its oral assessment pursuant to paragraph 14 of the same resolution, through its Chairman, to prepare and circulate to the Council a written assessment to the Council of actions taken by States to implement the measures referred to in paragraph 1 of the above resolution, i.e., the travel ban, arms embargo and assets freeze targeting individuals and entities belonging to or associated with the Taliban and Al-Qaida.

The Committee, in order to best comply with this obligation, approached the Monitoring Team established pursuant to Security Council resolution 1526 (2004) with a request for assistance to provide an analysis of all the States' reports received pursuant to resolution 1455 (2003). The analysis was provided to the Committee on 15 October 2004 and its entire text appears in the attached Annex. The Committee has highly appreciated the professional quality of the analysis prepared by the Monitoring Team and found it a valuable source of information for arriving at its own conclusions. The Committee herein refers to the factual information as it is stated in the analysis.

II. Importance of the reports submitted by Member States:

The Committee finds that the reports submitted by Member States provide a valuable tool in assessing their implementation of sanctions against Al-Qaida and the Taliban. That said, the reports cannot provide a complete and entirely accurate picture of the real efficiency of States' counter terrorism efforts. The Committee continues as one of its primary tasks to focus on Member State implementation of the relevant measures, with a view to strengthening and improving such implementation efforts. The Committee notes that the collective efforts and action of the international community will continue to be needed to combat the threat to international peace and security posed by global terrorism.

The Committee believes that submitted reports, their analysis and subsequent consideration are useful on several levels. Firstly, the Security Council obtains the overall picture of States' implementation efforts, including with regard to problematic areas. This enables the Council to fine-tune and improve sanctions measures in the future. Secondly, the Committee can more easily outline follow-up actions focusing on those issues where States should make additional efforts in implementing sanctions measures as well as on those issues where the Committee should offer more transparency, clarity, and assistance to States. Thirdly, awareness is brought to States that the Committee, with the assistance of the Monitoring Team, has carefully reviewed their reports and is aware of their successes, challenges and problems, and is ready to address them.

For these reasons, as is elaborated below, the Committee continues to find great importance in receiving additional and updated information to reports submitted pursuant to resolution 1455 (2003) and urges all non-submitting States to do so as a matter of urgency.

III. Major findings:

1. Level of implementation - the readiness of States to deal with the threat of terrorist acts through applying the instrument of sanctions:

Based on the analysis of the Monitoring Team, the Committee concludes that there are different levels of implementation of measures by States. Some States have technical, financial and human resources potential and have clearly demonstrated their willingness and readiness to prevent and neutralize possible terrorist activities. These States might be in the best position to efficiently implement the sanctions. They remain, however, vulnerable to the increasingly sophisticated operational activities of Al-Qaida and its primary focus on some of these States. There are also States that have sufficient potential to take all necessary measures to prevent terrorist acts, but have not demonstrated in their reports that they have done so. In the future, the Committee intends to enhance dialogue with these States, with a view to determining specific steps such States have taken in the past and should take in the future in order to effectively implement the measures.

Some States have provided implementation reports in which they admitted difficulties caused, inter alia, by limitations in their implementation capacities. The Committee intends to provide a list of these States, with their concrete requirements for assistance, to the CTC and will follow up actively in ensuring that their capacities are enhanced allowing for a fuller implementation of the sanctions measures. Finally, there are States that have not submitted their reports in spite of the concerted efforts of the Committee and the Monitoring Team. For more than a year and a half the Committee has worked to ensure that all Member States report. It is therefore noted with great concern that almost one third of States still have not done so. In this connection, the Committee refers to its report submitted to the Security Council on 27 April 2004 (S/2004/349 – non-reporting). The Committee presumes that most non-reporting States lack the necessary capacity, but it is unaware of what kind of assistance they may require. Therefore, the Committee is urging these States, listed in the attached Monitoring Team's analysis, to submit their reports to the Committee as soon as possible, but not later than 31 December 2004. The Chairman of the Committee and the Monitoring Team continue to be in contact with non-reporting States. An issue which needs further consideration is to which extent the continued failure of States to submit reports is indicative of a lack of commitment and political will to combat the global terrorist threat.

2. The Committee's List and individual sanctions measures:

The Committee's List: The Committee is pleased to note that most reporting States make appropriate use of the Committee's List, including by the circulation of updates to relevant authorities. The Committee is also grateful for new suggestions to the list and additional identifying information provided by some Member States and encourages other Member States to submit new names and such

information to the extent possible. The Committee will continue to monitor the extent to which list updates are circulated to all relevant authorities and will consider if more can be done to ensure that the list is also circulated to intelligence agencies, designated non-financial entities and professionals as relevant.

The Assets Freeze: The Committee takes note of the Monitoring Team's assessment as it pertains to the assets freeze. The assessment gives a nuanced picture of the current level of implementation. It seems to the Committee that most Member States are advancing in their capacity to implement the assets freeze. At the same time the assessment shows that certain concrete steps, such as regulating the activities of non-banking financial entities, cash couriers, and charities, have yet to be implemented in a number of countries. The Committee will focus on these issues in future meetings with Member States and on the Chairman's future travels, as appropriate. In particular, the Committee notes that more efforts are needed in terms of proper control over alternative remittance systems, non-banking financial entities, and charities. The Committee will also ask the Monitoring Team to follow-up on this issue.

The Travel Ban: The implementation of the travel ban continues to be a concern for the Committee. In the five years the travel ban has been in place, not a single individual is reported to have been stopped at a border as a consequence of being on the Committee's list. It is possible, however, that the travel ban may have had preventive effects on those listed. Further consideration must be given to how the travel ban can be better designed and implemented. In this regard, the Committee notes that some States still have problems disseminating list updates to all relevant border check points and consular offices. The Committee is currently considering how to improve the identifiers on the list and will continue to follow the matter closely.

The Arms Embargo: As with the travel ban, the Committee notes that no cases of enforcement of the arms embargo have been reported to the Committee. Furthermore, the Committee understands from the Monitoring Team assessment that little information on legislation and enforcement measures has been provided by Member States. The Committee has asked the Monitoring Team to follow this matter closely.

IV. Continuing information exchange

The Committee finds that the information provided by Member States needs to be kept current to allow the Committee and the Security Council to remain aware of the actual level of implementation or the situation of any specific problem States are facing. Therefore, all States are reminded, as necessary, to provide any additional information relevant to their implementation of the sanctions measures. This information can pertain to both measures undertaken since the Member State report was submitted and such information that can fill gaps in their reports. States are also called on to provide the information to the Committee regarding (a) results of relevant investigations and enforcement actions, unless to do so would compromise the investigation or enforcement actions; (b) concrete measures taken with respect to previously or newly listed individuals and entities, in particular with regard to the aggregated amounts of frozen assets; (c) circulation of the Committee's

List among non-banking financial entities and other non-traditional or non-financial entities; (d) best implementation practices which could be of use to other States.

The Committee notes that there is a continuous need for information sharing between Member States and the Committee. The Committee will continue to encourage States to take advantage of the opportunity provided them in paragraph 11 of resolution 1526 (2004) to meet with the Committee. Such meetings can be used by Member States to address concerns, relate best practices, discuss capacity building needs, and other issues. The Committee may also consider inviting Member States to meet the Committee in order to enhance dialogue. The Chairman's 120-day briefings to the Council and his briefings to Member States should be used by Member States to learn more about the main issues on the Committee's agenda. Furthermore, the Committee continues to find great use in the Chairman's visits to selected Member States as authorized by resolution 1526 (2004). These visits provide the Committee with fresh insights that it cannot get from Member State reports. The Committee also notes the important role of the Monitoring Team in this regard, as detailed below.

The reports from Member States make it clear that the Committee must provide further guidance to States on a number of issues. The Committee considers the continued improvement of its list to be one of its urgent tasks. In this regard, the Committee will consider how to deal with names on the list that do not have enough identifiers, as well as with the duties States have when a listed individual is found within or at their borders after illegal entry. The Committee draws attention to its website (http://www.un.org/Docs/sc/committees/1267Template.htm) where updated information, including updates to the Committee's list, can be found. It is also noted that the Secretariat now automatically conveys updates of the Committee's list to designated focal points at all Permanent Missions and in most Member States' capitals. The Committee may consider if focal points should be used for purposes other than the automatic conveyance of updates to the Committee's list.

V. Role of the Monitoring Team

The Committee is grateful for the work carried out by the Monitoring Team. The Team has established close cooperation with the Committee and wide contacts with Member States both in New York and through their visits to 18 Member States and attendance at 6 regional conferences. Through both their analysis of Member State reports and their established contacts, the Team has gained an insight into the main areas of concern to Member States and to the areas in which the Committee needs to maintain its focus. The Committee will direct the Monitoring Team to pursue some of the apparent common lapses in implementation, including by recommending to the Committee how regulation of and control over the movement of cash and precious commodities can be improved, how alternative remittance systems can be better regulated and controlled, how to improve the regulation of charities and how to ensure a broader circulation of the Committee's list.

The Committee also endorses the Team's efforts to share information and coordinate its activities with the Counter-Terrorism Committee and the Counter-Terrorism Executive Directorate, especially with regard to forthcoming visits to selected States where the Chairman's visits also have to be taken into consideration. The Committee also emphasizes the importance of the Team's

cooperation with United Nations specialized agencies and relevant international and regional organizations, and encourages the Team to continue and expand these contacts.

As noted above, the Monitoring Team found that some States did not, in their reports, show that they had implemented the sanctions measures to their full capacity. The Monitoring Team will assist the Committee in pursuing enhanced dialogue with Member States, including by seeking additional information from them, with a view to determine the specific steps States have taken and will take to implement the measures. The Committee will then consider what further action should be taken, especially with regard to cases, if any, where actual implementation does not match capacity.

The Monitoring Team will also be asked to provide the Committee with specific recommendations on how States may improve their implementation of the travel ban and the arms embargo.

VI. Conclusions

The reports submitted by Member States pursuant to resolution 1455 (2003) have provided the Committee with much valuable information on the level of implementation of sanctions measures, issues of concern, questions relating to the use of the list and, to some extent, needs for assistance. Together with other means of communication, these reports allow the Committee to further improve the sanctions measures on a regular basis and to focus its work on pertinent issues. Again, the Committee wishes to stress the importance for all Member States to be in contact with the Committee, its Chairman and the Monitoring Team. Security Council resolution 1526 (2004) does not require States to submit new comprehensive implementation reports, but rather allows for active dialogue through a number of means. As described above, the Committee intends to make full use of these means in its future work.

The overriding obligation to implement sanctions rests with Member States. It is important for the Committee to underscore that reporting should not be seen as a goal in itself, nor as a chore, but as an important element in enhancing the fight against terrorism by further improving sanctions measures with the view to better target individuals and entities belonging to or associated with the Taliban and/or Al-Qaida.

Assessment of 131 Member States' Reports under Resolution 1455 (2003)

Prepared by the Analytical Support and Sanctions Monitoring Team
October 2004

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I. Executive Summary

1. In January 2003 Security Council Resolution 1455 required Member States to report on the implementation of United Nations sanctions against Al-Qaida and the Taliban. The reports received since then paint an elaborate but incomplete picture of the global effort against this form of terrorism. The overwhelming majority of reporting States support and acknowledge the value of the Consolidated List[1] as the basis of the sanctions regime in this area, and all claim to have incorporated the List into their legal systems, but the extent of the implementation of the UN sanctions nonetheless remains unclear.

2. Sixty Member States out of 191 (31%) have not provided any report,[2] and many of those that did respond failed to include sufficient detail to permit a thorough assessment of their sanctions regimes. Despite this lack of detail however, the Monitoring Team is able to offer several observations and conclusions beyond those contained in its July report. It will draw further on the information provided by States in its December report.

3. States appear to have implemented the Consolidated List into their national regimes with relatively few problems, though some still may need to refine their legislative or administrative mechanisms. Although many complain that entries on the List lack sufficient identifiers, most States appear to circulate the List appropriately to banks, ports of entry and other relevant national authorities. The proper circulation of the List is a fair measure of States' determination to implement the Assets Freeze, Travel Ban and Arms Embargo, and some could improve their systems and speed up their procedures. To make the financial measures more effective, more Member States need to be persuaded to circulate the relevant names to entities outside the traditional banking systems, and to increase their regulation of non-banking financial institutions and operations.

4. With respect to the Travel Ban and the Arms Embargo, States' reports provided little substantive detail. The overwhelming majority of States asserted that their laws adequately implemented these aspects of the sanctions, but generally they offered too little information to allow the Monitoring Team to make an independent assessment of their claims.

5. The Monitoring Team believes that those States that have not submitted reports should be persuaded to do so. Further general reports should not be required from States that have

[1] The Consolidated List of Individuals and Entities belonging to or associated with the Taliban and Al-Qaida Organisation as established and maintained by the 1267 Committee.

[2] The Republic of Seychelles submitted its report on 16 November 2004, and Guyana provided its report on 8 December 2004. Accordingly, as of 15 December 2004, 58 Member States had not submitted a report, and analysis of the two new reports is not included herein. In addition, the Republic of Madagascar recently submitted a letter of explanation and indicated its intention to submit a report in the near future. Bolivia reiterated its intention to submit its report, as it previously had indicated in a letter of explanation. St Kitts and Nevis and Trinidad and Tobago also communicated to the Team that they have taken action on the preparation of their reports for submission as soon as possible.

already responded, but specific questions from the Committee and the Monitoring Team to individual Member States may be necessary to ensure a complete understanding of the extent of global compliance with Security Council directives.

II. Introduction

6. In January 2003 the Security Council adopted Resolution 1455 (2003), which called upon all Member States to report on their implementation of the measures imposed on Al-Qaida, the Taliban and Associated Individuals and Entities by Security Council Resolutions 1267, 1333 and 1390. The Resolution requested the Security Council Committee established under Resolution 1267 (1999) (the 1267 Committee) to prepare a written assessment, based on these reports, of the actions taken by States.

7. The 1267 Committee issued guidance to Member States in March 2003 on the structure and content of their reports. The guidance proposed that States focus their reports on how they had dealt with the Consolidated List of Individuals and Entities to whom the measures applied, and how they had implemented the Assets Freeze, the Travel Ban and the Arms Embargo. The guidance also invited Member States to comment on the activities of Al-Qaida and the Taliban, and the threat they posed, and to say whether they were in a position to offer assistance to others in the implementation of the measures, or whether they themselves sought such help.

8. Resolution 1455 makes clear that what the Security Council sought by inviting States to submit reports was to maintain the momentum of international action against Al-Qaida and the Taliban, and to assess the effectiveness of the measures it had imposed. The Council sought to improve the Consolidated List by encouraging States to add further identifiers and submit new names, and it wanted to know what States had done to implement and enforce the measures. This was not done only to ensure that States had taken the necessary action, but also to identify problems with implementation – hence, the invitation to States to identify areas where they might need assistance.

9. This report, prepared by the Analytical Support and Sanctions Monitoring Team at the request of the 1267 Committee, attempts to assess the extent to which the Council's objectives have been met. At the direction of the Committee, the report also attempts to identify where information is still lacking concerning the action taken by States, and to assess the overall usefulness of the process, given the burden it placed on States.

10. Although not all States have submitted reports, 131 have now done so: 83 States submitted their report between the first deadline of 17 April 2003 and 30 October 2003; 43 between 31 October 2003 and 27 April 2004; and five between 28 April and 15 October 2004. A list of the 60 States that have still to submit their 1455 report is attached as an

Annex. Eight[3] of 17 States (highlighted in bold) that submitted a letter of explanation described in detail why they had been so far unable to comply with the reporting requirement. One State simply said that it had no further information to provide beyond that contained in its reports submitted to the Counter Terrorism Committee under Resolution 1373.

III. Assessment

11. Inevitably, and despite the Committee's guidance, the style and content of Member States' reports varied considerably. The great majority adopted the structure recommended by the guidance, but even so, the depth and relevance of the information provided is inconsistent. The Monitoring Team sees several reasons for this and examines them later in this report, but this inconsistency makes it harder to draw general conclusions.

IV. Meeting the Council's Objectives

A. Providing Momentum

12. There is no doubt that the reporting requirement under Resolution 1455 reminded States of the importance attached by the Security Council to the threat from Al-Qaida and the Taliban and the need for States to address it in a concerted way, including through the effective implementation and enforcement of the sanctions regime. A similar exercise a year earlier, introduced by Resolution 1390, elicited a response from only 88 States, and without a further reminder, Member States might have lost sight of their obligations. It should be remembered though that all States responded to the request for information contained in Resolution 1373 of September 2001.

13. Some States may have accelerated their implementation of the measures and improved their procedures knowing that they had to report back to the Security Council in accordance with Resolution 1455. Others will have found the process a useful stocktaking exercise. But other States clearly regarded the reporting requirement as a chore; they answered the questions, but lacked the resources, mechanisms, or political will to do so in depth. The fact that some States took over 18 months to submit their report, and others have not reported at all, suggests that many did not see Resolution 1455 as a spur to activity.

B. Effectiveness of the Measures

14. The reports submitted by Member States highlighted areas in which the Security Council could consider improving the sanctions. They show where implementation and

[3] Barbados, Central African Republic, Comoros, Ethiopia, Guyana, Seychelles, Solomon Islands and Timor-Leste.

enforcement present problems, and where the measures have lacked the intended impact. However the Security Council can only design effective measures if it has an accurate picture of the threat, and for this reason the guidance asked Member States to provide information on the activities of Al-Qaida and the Taliban and the threat they posed.

(a) Assessing the Threat (section I of the Guidance)

15. A large majority of Member States responded to the question on activities and threat. Of these 65 (50%[4]) had nothing substantial to report, 26 (20%) made a general comment on the nature of the threat, and 17 (13%) offered an assessment of the threat to their own security, but without going into detail. Only 23 States (17%) offered specific information both on the general threat from Al-Qaida and the Taliban, and on how this affected their own security.

16. The lack of analysis in Member States' reports may reflect a lack of awareness and understanding of the threat, particularly of the way it has changed since the removal of the Taliban from Afghanistan. It may also denote that many Member States still see Al-Qaida as low on the list of their own concerns. The reports show therefore that there is still a need for the Security Council, whether on its own or through the 1267 Committee and its Monitoring Team, to explain the global nature and significance of the threat.

(b) Improving the List (section II of the Guidance)

17. According to their reports, the great majority of Member States accepts the value of the Consolidated List as an essential tool in combating Al-Qaida and the Taliban, and recognises that it forms the basis of the sanctions regime imposed by the Security Council. However an underlying theme in a great many reports, articulated clearly in 59 of them (45%), was that the List would be more useful if the entries contained more identifiers.

18. Nine Member States[5] usefully provided additional data in their reports on individuals or entities on the Consolidated List. The Monitoring Team intends to collate this new information, cross check it against the original submissions, and present it to the 1267 Committee for its consideration.

19. All States claim to have incorporated the List and its sanctions into either their legal or administrative regimes, but nonetheless some express concern that the lack of a clear justification for the inclusion of names on the List might lead to legal challenge, should they have to take action against them. Six Member States reported having faced such challenges from listed individuals or entities.[6]

[4] Percentages cited in this report are based on the 131 reports received, rather than relating to all 191 Member States.
[5] Bosnia and Herzegovina, Belgium, Algeria, Egypt, Indonesia, Lebanon, Philippines, Russia and Libya.
[6] Sweden, United States, Pakistan, Ireland, Italy and Turkey.

20. Leaving aside the differences in the capabilities of Member States in the field of counter terrorism, there was general confirmation that systems existed to circulate the List to ports of entry, banks and other relevant bodies. It appeared though that in some cases the circulation of additions or changes to the List was not done in a timely manner.

21. Twenty Member states (15%) reported having detected, at one time or another, an individual or entity on the Consolidated List within their jurisdiction. However of those only one Member State[7] followed the guidance in full by reporting the names and the actions taken against them.

(c) Implementing the Assets Freeze (section III of the Guidance)

22. States' responses to the questions concerning the financial measures almost invariably proved to be their fullest, with a good response to most areas of the guidance. The Monitoring Team estimates that Member States have provided about 60% of the information required overall, but less than this in respect to non-financial entities, charities, alternative remittance systems and precious commodities.

23. The majority of States addressed the questions in the guidance concerning the legal basis for their implementation of the Assets Freeze. But the laws cited by some appeared vulnerable to legal challenge. Some States appeared to rely on Anti-Money Laundering legislation; but adding terrorism as a predicate crime to laws designed to deal with the proceeds of crime may not easily allow the detection of funds that are destined to be used to commit a terrorist act. Although some tools that are useful for Anti-Money Laundering are similarly helpful for Counter-Financing of Terrorism, they are essentially different issues[8]. Follow-up questioning is necessary to gauge whether these laws are effective in terms of the sanctions measures.

24. Analysis of the 131 reports shows that the Consolidated List has been circulated to banks and non-bank financial institutions (NBFIs[9]) by 125 (95%) and 107 (82%) Member States respectively. These are impressive figures. The lower level of circulation to NBFIs can be explained in part by the fact that in many small and developing economies, the financial markets lack depth and diversity. In such economies, the banking sector is likely to constitute the main component of the State's financial system. Additionally, in many States, NBFIs are not permitted to accept regular deposits of money from the public; this means that in such countries financial assets are held mainly as deposits in banks. Some Member States reported that when their supervisory authorities conduct their regular

[7] Indonesia.

[8] For example, one State noted that it can freeze funds derived from terrorism, but this is not the same thing as having the ability to suppress terrorist financing.

[9] NBFIs include pension and insurance companies, financial leasing companies, foreign exchange bureaus, money transmitters, securities firms and credit unions.

inspections, they also check compliance with the Assets Freeze imposed by the Security Council.

25. On the other hand, only 37 Member States (28%) reported that they had distributed the Consolidated List to designated non-financial businesses and professionals (DNFBPs)[10]; and there was no consistency in the decision as to what type of DNFBP should receive it. Seventy-nine States (60%) did not provide any information on this point. With one exception[11], States did not appear to have circulated the List to charities or to their overseas branches. Analysis of the reports suggests, therefore, that whilst the Consolidated List has been comprehensively enforced in banks and NBFIs, this is not the case with regard to non-financial entities.

26. Most States adequately described the structures and mechanisms in place to identify and investigate financial networks related to Al-Qaida and the Taliban, and said how they coordinated this work nationally. But some States neglected to report on their involvement with regional and other international efforts at coordination. However, there is considerable impetus behind these initiatives and in the opinion of the Monitoring Team, no negative conclusion need be drawn.

27. Eighty-five Member States (65%) reported that they rely on Financial Intelligence Units (FIUs[12]) to identify or investigate Al-Qaida and Taliban related financial networks. The authorities of the remaining Member States had merely added terrorist financing to an existing reporting regime, seeing no need to introduce any new financial monitoring mechanism. At the same time, the reports show that 53 Member States (40%) had established ad-hoc counter-terrorism committees or task forces, which bring together the relevant national authorities, including central banks and FIUs. This is clearly encouraging, but it is unclear what if any role is played in these committees by the private sector, such as financial and non-financial institutions, beyond reporting suspicious transactions, and States might like to consider this issue.

28. The reports also indicate that customer verification (Know Your Customer or KYC rules) is now a requirement in banks and NBFIs in 97 (74%) and 89 (68%) of Member States respectively. But only 35 States (27%) required non-financial entities to comply with customer verification regulations. Strict implementation of Know Your Customer rules by banks, NBFIs and DNFPBs would make it harder for listed individuals and entities to use their current identities, as well as help to expose forged or false ones.

[10] DNFBPs include, for example, accountants, attorneys, trust administrators, registrars of businesses, tax agents, financial advisors, auto-dealers, dealers in antiques and artworks, dealers in precious commodities, real estate agents and travel agents.

[11] Canada was the only State to indicate that it had circulated the Consolidated List to charities.

[12] The role of the FIUs is to analyse Suspicious Transactions Reports (STRs) filed by financial institutions and other obligated non-financial entities and to disseminate that intelligence to appropriate national authorities for investigation or prosecution.

29. In many Member States, the obligation to verify customer identities only applied to the opening of new accounts or when new relationships were established. Furthermore, in a number of Member States, the obligation to conduct customer verification in a one-off transaction only existed when the transaction exceeded a given monetary amount, or when the cumulative amount within a stipulated period exceeded a particular limit. It is reasonable to suppose that Al-Qaida and Taliban financiers might be aware of such loopholes and conduct transfers below the reporting threshold. Nonetheless, the reports provided a useful picture of the growth in the effective international regulation of the financial sector and demonstrated an increasing trend toward the wider and stricter application of KYC rules, with one State even reporting that it had applied such requirements retrospectively[13].

30. Although 32 Member States (24%) reported freezing assets, their reports gave little detail of the assets concerned. It is difficult to know therefore whether the frozen assets are bank accounts or whether they include assets of another form, such as shares or other property. It is not possible from the reports to identify trends with regard to the kind of assets being held for the direct or indirect benefit of Al-Qaida and the Taliban.

31. Just over 100 Member States (76%) report that they require banks to file Suspicious Transaction Reports, and 94 (72%) and 43 (33%) have extended this requirement to NBFIs and DNFBPs, respectively. Only 24 Member States (18%) currently require charities and other non-profit organizations to report suspicious transactions.

32. The guidance circulated to Member States also asked them to report on their regulation of the movement of precious commodities. The response was poor, with 73 States (56%) providing no information at all, and a further 9 (7%) providing insufficient detail to permit an assessment to be made. Only 49 Member States (37%) reported some control over the trade in precious commodities.

33. The guidance also requested Member States to provide details of restrictions or regulations applicable to alternative remittance systems such as hawalas. Approximately 50 Member States (38%) reported that as money transfers or other remittances were financial services, they required authorization (registration or licensing) by the treasury, central bank or other supervisory authority. Thirty-six Member States (27%) reported that hawala was illegal if conducted without prior official authorization. A system of voluntary registration has gathered momentum in one Member State[14]. But 72 (55%) and 85 (65%) Member States respectively did not provide any information on whether hawalas required registration or were illegal.

[13] The Republic of South Africa has required all banks operating in that country to conduct customer verifications for all existing 17.5 million bank accounts.

[14] UAE has registered over 100 hawala brokers.

34. With regard to charities and similar entities, Member States reported introducing a number of measures[15] to prevent abuse and to deal with those charities and foundations that are listed or suspected of bankrolling Al-Qaida[16]. One State reported that it could not detect any activity by two charities listed as operating within its jurisdiction. Fifty-one Member States (39%) said that charities must be licensed, whereas 36 (28%) reported that they also oblige trustees of charities to maintain records of transactions, produce audited financial statements and file annual returns.

35. Again, it is difficult to draw conclusions from these figures, as 73 Member States (56%) provided no information on their licensing requirements for charities, and 88 (67%) gave no information on the financial reporting requirements imposed. Further, there appears to be an emerging trend only to monitor charities that have been granted tax exemptions, or that have received government grants or donations from public institutions. Although the advancement of education, promotion of religion and relief from poverty were frequently cited as charitable purposes beyond the need for monitoring, the fact remains that three listed charities/foundations, Benevolence International Foundation, Global Relief Foundation and Al-Haramain Foundation, were also involved in these activities.

(d) Implementing the Travel Ban (section IV of the Guidance)

36. The picture provided by Member States' reports of the incorporation of the Travel Ban into national legislation is a positive one, but the information provided was not extensive. It was noticeable that States[17] which recognised that there was a real threat emanating from Al-Qaida related terrorism, and that they could be the target of such terrorist activity, were the most inclined to follow the Committee's guidance in completing the questionnaire. Some States reported having adopted new regulations, others had revised existing legislation, and some had taken the view that they could accommodate the measures under existing legislation. Only 9 Member States (7%) said that they lacked legislation, or did not answer the question on this point. Overall, 122 States (93%) reported that they had the legal means to implement the Travel Ban.

[15] For example, Egypt, Gambia, Saudi Arabia and Argentina have reported the creation of national authorities to monitor the activities of charities. Egypt, Syria, Sri Lanka, India, Latvia and Eritrea also reported that trustees are now obliged to notify the authorities when their charities receive funds from or remit funds to foreign entities or individuals. UAE has introduced new regulations for charities.

[16] Azerbaijan shut the offices of Benevolence International Foundation and froze its bank accounts. Bosnia-Herzegovina also closed the offices of Global Relief Foundation, Benevolence International Foundation and Al-Haramain Islamic Foundation. The Web Page of the Charity Commission for England and Wales indicates that, at the request of the trustees, the United Kingdom has also deregistered Benevolence International Foundation after the remaining assets of GBP 2,312 were distributed according to its objectives. The United States also designated and shut down the US branches of Global Relief Foundation and Benevolence International Foundation, freezing over $1 million of Global Relief funds and over $900,000 of Benevolence International money.

[17] These States generally were located in Europe, North America, the Middle East, CIS and parts of Southeast Asia.

37. Generally, however, States provided insufficient information to test this assertion. Many Member States did not explain which of their laws would be applied to enforce the ban, possibly because the guidance did not make this a specific question, and only stated that the sanctions measures had been incorporated into their legislative and administrative structures. It is difficult, therefore, to assess whether States are in fact able to enforce the Travel Ban on the ground.

38. In fact the picture provided by the reports of actual implementation of the Travel Ban is unclear. No State reported explicitly that it had stopped anyone on the List at its borders. Only five States (4%) mentioned that action had been taken against individuals trying to enter their territory, and of those only one State[18] specified that the person concerned was on the Consolidated List, though he was not listed at the time he was refused entry. The other four States referred only to terrorists or terrorist suspects being denied entry, or extradited, without saying whether they were listed.

39. Although not said explicitly by Member States, the inference from 29 of the reports (22%) was that updated versions of the Consolidated List were not disseminated promptly within national systems. This appears to have occurred because the State in question lacked the capacity to do so, and did not necessarily indicate any lack of commitment to the strict implementation of the sanctions measures.

40. The reports confirmed that in 65 States (50%) Consular offices had neither direct nor indirect access to their national stop-list database, but instead were obliged to submit all visa applications to their capitals for further checking. Nonetheless, the reports also confirmed that the authorities responsible for adding the names of persons or entities to the national stop-list database did so, and the checking procedures were therefore conducted against up-to-date information.

41. A common difficulty cited concerning implementation of the Travel Ban was that the names on the Consolidated List lacked sufficient identifiers. This complaint was raised largely by those States that exhibited the greatest concern for their domestic security. Other States[19] did not mention this as a problem, and gave the impression that for them everything was in order. Other general points with regard to the Travel Ban concerned capacity-building, such as the lack of electronic equipment or the need for training, and the difficulty of monitoring borders, particularly in areas of instability.

[18] The United States of America took action in August 1999 against an individual listed in November 2001.

[19] Generally, Latin American and African States.

(e) Implementing the Arms Embargo (section V of the Guidance)

42. Many States appeared reluctant to go into great detail about what they had done in respect of the Arms Embargo, but quite probably they saw this as a sensitive area for reasons that had nothing to do with Al-Qaida and the Taliban.

43. Although 62 Member States (47%) provided insufficient detail to establish whether they had taken all necessary measures to implement the Arms Embargo, the majority of States reported that they had legal measures regulating the traffic, acquisition, storage, and trade in arms. Most Member States stated that they had incorporated the measures designed to prevent the acquisition of arms by Al-Qaida and the Taliban within existing legislation; but only 19 (15%) provided significant information on every point in the questionnaire. Some Member States also said that violations of the Arms Embargo were already criminalized under existing legislation governing weapons, ammunitions and associated goods.

44. Thirty-eight Member States (29%) reported having taken specific action to implement the measures, whether by adapting existing laws or introducing new ones. Sixty-nine States (53%) described their local market regulations, and 86 (66%) reported that they had reviewed their import/export procedures to ensure that they conformed to the Security Council requirement. Sixty-eight States (52%) also described their arms brokerage systems, though without necessarily explaining how these systems were used to prevent the acquisition of arms by Al-Qaida, the Taliban and associated persons and entities subject to the Arms Embargo.

45. Fifty-four States (41%) reported having safeguards to ensure that the weapons and ammunition produced within their jurisdiction could not be diverted for the use of those subject to sanctions. But many States that did not provide information on this point do not produce arms and explosives and so their silence does not necessarily denote any failure of compliance.

46. Ninety-eight States (75%) made no mention of the Consolidated List in describing their regulatory processes in relation to the Arms Embargo. This number is noticeably close to the 93 States (71%) that gave no indication whether they had integrated the arms sanctions measures directly into their domestic laws or regulations. These Member States seemed confident that their existing national laws could be applied to all criminals as well as the individuals and entities placed on the Consolidated List by the Security Council.

(f) A Need for Assistance (section VI of the Guidance)

47. Sixty-four States (49%) said that they could provide assistance to others, and 30 States (23%) identified a particular need for help with their implementation of the measures. Of these, eight States identified weaknesses in border control, six States identified technology as a problem, three States identified a need for financial and technical assistance, and six

identified training needs. The remaining seven States identified a need for assistance across the board. Three additional States said that they would inform the Committee of their assistance needs in due course, and two said that they had already communicated them to the CTC. The Monitoring Team will ensure that the CTC experts are aware of all the reported requirements and offers of assistance.

V. Value of the Reporting Process

48. The reporting process appears to have been useful in encouraging the majority of Member States to consider what they had done to implement the sanctions. But it would be reasonable to suppose that the fullest reports, and those produced most promptly, came from States that were already committed to the process. Even the most comprehensive reports, however, said more about how States were complying with the procedures laid down than about their effective enforcement of the sanctions.

49. Together with member States' reports produced in compliance with resolutions 1390 and 1373, the resolution 1455 reports help to provide a basic understanding of how each reporting State has reacted to Security Council initiatives against Al-Qaida and the Taliban. In addition to the detail provided, what was left unsaid can also provide pointers for follow-up action.

50. The reports also demonstrate that where there is considerable and sustained international effort to establish best practice and some conformity of regulation among States, such as in the area of financial sanctions, Member States are not only more aware of the issues, but also more inclined to adopt legal frameworks which allow effective implementation of the measures. However, where interpretation and action is left to the individual Member States, particularly where effective measures are both hard to design and hard to implement, such as in the areas of the Travel Ban and Arms Embargo, performance is more patchy and more dependent on local circumstances.

51. The usefulness of the reporting process was almost certainly affected by the degree to which Member States understood its purpose, and were motivated to provide information. Some States will have seen the threat as a remote one. Some may have been more concerned to give a positive picture of their compliance than a strictly accurate one. Some Member States' reports showed confusion over the separate objectives of the 1455 reporting requirement and those of earlier resolutions. While the guidance rightly urged States to refer to their 1373 reports where appropriate, in the cases where they have done so, their answers generally did not deal with the intended issues.

52. Many States clearly feel the burden of their reporting obligations more keenly than the advantage of fulfilling them. States have become slow to respond, compared to earlier reporting rounds associated with resolution 1373, and less scrupulous about collecting all

the relevant information. The time span over which the reports were submitted, between April 2003 and October 2004, means that some information is now out of date, and States have reported against a shifting background.

53. The reporting process has also thrown into doubt the continuing value of sending the same questionnaire to all States. Although the guidance issued to States was not intended to limit their answers, and played an important role in standardizing responses, it inevitably had to be broad enough to apply universally and it encouraged generalised answers. For example, in the finance section, as the guidance made no mention of non-financial entities, or cash couriers, States did not report in these areas.

54. But insofar as the reporting process has identified weaknesses in the implementation of the measures by particular Member States, and however it has done so, it will have helped the 1267 Committee to address them, whether through recommendations to the Security Council, through further tailored questionnaires, or through direct contact with individual States.

VI. Conclusions

55. The Monitoring Team believes that both in order to complete the picture of compliance and to protect the integrity of reporting requirements introduced by the Security Council, the Committee, through the Monitoring Team, should continue to press those States that have not submitted a report to do so. Some States will have more to report than others, and the Team will need to decide, with the Committee's help, where to concentrate its efforts, but ultimately all should do so.

56. Although it cannot be assumed that those Member States that have not reported, or that have provided the least information, are necessarily those that are least committed to the implementation of the measures, it is an area of inquiry to be explored. The Committee may like to consider, with the help of the Monitoring Team, whether there are Member States that have the capacity to implement the measures and yet have done little to do so, and if so what are the reasons behind this.

57. The Monitoring Team has identified several issues from Member States' reports that reinforce the need for further action, whether by States, multi-national organisations and/or the 1267 Committee or the Security Council. For example, States should undertake to do the following:

- circulate the List broadly among non-banking financial entities and other non-traditional or non-financial entities;
- examine and regulate charitable fund-raising and remittances by charities;

- regulate and control alternative remittance systems;
- adopt new laws to ensure full implementation of the List and the related financial sanctions, rather than rely on existing laws dealing with money laundering or other financial crime;
- regulate and control the movement of cash and precious commodities across borders; and
- implement fully Know Your Customer obligations.

58. International organizations, such as the World Bank, Financial Action Task Force, International Monetary Fund, and Basel Committee on Banking Supervision, and regional groups, including the EU and the Organization of the American States, should continue their useful review and action on some of these same topics and consider offering further valuable guidance and recommendations.

59. The Security Council and the 1267 Committee, along with the Monitoring Team, should continue its review of the same subjects and offer clarification on other matters. Issues highlighted by States that can only be addressed at the UN level include the following:

- the procedure by which States should handle names on the List that do not have sufficient identifiers;
- the duties of States when a person on the List is found within or at their borders;
- the ability of States to enforce the Travel Ban and the Arms Embargo; and
- the need, if any, to incorporate rules on subjects such as charities, alternative remittance systems and precious commodities, for example, into a mandatory or admonitory UN resolution.

The Team proposes to take up these and other issues in its subsequent reports.

60. In the Monitoring Team's view, there are now several alternatives available to the Committee and to the Security Council to maintain the pressure on Member States and to monitor the effective implementation of the sanctions measures. Although there are arguments in favour of another reporting round, the Monitoring Team does not recommend this for several reasons. First, there is a general feeling of reporting fatigue among Member States stemming from the multiplicity of reporting requirements from a variety of Security Council Committees. Second, the duplication and overlap in the questions posed by the various Committees, some inevitable, some as a result of insufficient coordination between them, does little to encourage Member States to devote time to look behind the

questions to the reasons they have been asked. Third, there is a need to move on to the next stage, which should involve working directly with individual or groups of Member States, building on what is already known.

61. The Monitoring Team has identified issues in individual reports that require follow up, whether through tailored questionnaires, direct contact with States, or a mixture of both. Some of the information required is no doubt available already, and in the interests of efficiency, the Monitoring Team will continue to liase with international, regional, and national bodies to obtain additional material and to identify any information gaps, as well as to assist coordination across the international community.

62. The Monitoring Team also believes that States would benefit from feedback on their reports. It would be a major undertaking to provide this for all, but it should be possible, in conjunction with the Counter Terrorism Committee and the CTED, to give individual States or groups of States a better sense of dialogue.

63. In this regard, the Monitoring Team notes that Resolution 1526 (2004) urges greater consultation between the 1267 Committee and Member States, either directly or through the Monitoring Team. This will allow for improvements in overall compliance and a more accurate assessment of the implementation of the sanctions by particular Member States. According to the information collected, States could be encouraged to provide examples of best practice, or to fill in the gaps in their reporting.

Annex

List of Non Reporting Countries
(As at 15 December 2004)

- States in **bold** are those that submitted letters of explanation.

1.	Antigua and Barbuda		28 May 02 and Add on 1 Aug 02; 19 May 03
2.	**Barbados**		27 Dec 01; 28 Jun 02; 7 Mar 03
3.	Bhutan		8 Jan 02
4.	**Bolivia***		4 Jan 02; 29 Aug 02; 23 Aug 03
5.	Botswana		27 Dec 01; 20 Feb 04
6.	**Burkina Faso**		18 Apr 02; 31 Mar 03
7.	Burundi		31 Dec 01 and 1 Apr 02 Corr
8.	Cameroon		18 Mar 02; 28 Apr 03
9.	Cape Verde		31 Dec 01
10.	**Central African Republic**		8 Jan 03
11.	Chad		30 Jul 03
12.	Comoros		**7 Aug 02**
13.	Congo		6 Sep 02; 25 Jun 03
14.	Côte d'Ivoire		3 Jan 02; 9 Apr 03
15.	Democratic Republic of the Congo		24 Jan 02; 31 Mar 03
16.	**Dominican Republic**		13 Dec 01; 28 Apr 03; 13 Jan 04
17.	Equatorial Guinea		14 Feb 02
18.	Ethiopia		**31 Jan 02; 8 Nov 02**
19.	Gabon		**20 Dec 01; 28 Apr 03**
20.	Georgia	20 Jan 03	2 Jan 02 and 3 Jul 02 Add; 21 Oct 02
21.	Ghana		27 Jun 02 and 25 Sep 02 Add
22.	Grenada		21 Dec 01; 20 May 02
23.	Guinea-Bissau		15 Mar 02
24.	**Guyana*** **		28 May 02 and 17 Jun 02 Add; 28 Nov 03
25.	Haiti		4 Jun 02; 28 Jul 03
26.	Iraq		27 Dec 01; 14 Aug 02
27.	Kenya		31 Jul 02; 31 Mar 03; 10 Mar 04
28.	Kiribati		20 Jun 02
29.	Liberia		6 Mar 03
30.	**Madagascar***	22 May 02 and Addendum on 4 Dec 02	17 Jun 02; 7 Jul 03
31.	Malawi		18 Mar 02
32.	Mali	13 June 02	3 Jun 02; 30 Oct 03
33.	Mauritania		29 Aug 02; 28 Apr 03
34.	Micronesia (Federated States of)		7 May 02
35.	Mozambique		9 Jan 02; 27 Oct 03
36.	Nauru		4 Jun 02; 31 Jan 03
37.	Niger		22 Jan 02; 9 Jun 03; 10 May 04

38.	Nigeria		16 Jan 02; 12 Mar 03
39.	Papua New Guinea		15 Jul 02; 5 Sep 03
40.	Rwanda		13 Sep 02; 11 Jul 03; 7 May 04
41.	Saint Kitts and Nevis*		28 Oct 02
42.	Saint Lucia		28 Oct 02
43.	Saint Vincent and the Grenadines		10 Jun 02; 28 Apr 03
44.	Samoa		15 Feb 02; 29 Aug 03
45.	Sao Tome and Principe		22 May 03
46.	Seychelles **		17 Apr 03; 30 Dec 03
47.	Sierra Leone	6 Sept 02	4 Mar 03
48.	Solomon Islands		26 Aug 02
49.	Suriname		12 Aug 02; 10 Sep 03
50.	Swaziland		17 Apr 03
51.	Timor-Leste		21 Apr 03; 26 May 04
52.	Togo		25 Sep 02
53.	Trinidad and Tobago*		25 Jan 02; 24 Oct 02
54.	Tuvalu		14 Feb 03
55.	Uganda		6 May 02; 27 Oct 03
56.	United Republic of Tanzania		17 Jul 02
57.	Uruguay		24 Dec 01; 17 Jun 02; 10 May 04
58.	Vanuatu		28 Apr 03
59.	Zambia		20 Jun 02
60.	Zimbabwe		1 Aug 02; 28 Apr 03

After the above analysis was submitted to the 1267 Committee on 15 October 2004,

* The Republic of Madagascar submitted a letter of explanation and has indicated its intention to submit its report by January 2005. St Kitts and Nevis and Trinidad and Tobago also communicated to the MT that they have taken action on the preparation of their reports for submission as soon as possible. Bolivia also communicated its resolve to submit a report as indicated in its letter of explanation.

** The Republic of Seychelles submitted its 1455 report on 16 November 2004.

*** Guyana submitted its 1455 report on 8 December 2004.

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Letter dated 16 December 2004 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

I have the honour to attach herewith the assessment of the work of the Security Council for the month of October 2004 (see annex).

This assessment has been prepared under my own responsibility following consultations with members of the Council, pursuant to the note by the President of the Security Council dated 12 June 1997 (S/1997/451), and should not be considered as representing the views of the Council.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Emyr **Jones Parry**

05-21050 (E) 270105

Annex to the letter dated 16 December 2004 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of the United Kingdom (October 2004)

Introduction

The Security Council had a busy programme of work in October 2004. Open debates were held on justice and the rule of law; on women, peace and security; on counter-terrorism; and the Middle East. Open briefings, open to all States Members of the United Nations, were held on the Sudan, Afghanistan, the Middle East and the Great Lakes. The Council held two private meetings with troop-contributing countries. The Council also held 15 informal consultations of the whole and adopted four resolutions and four presidential statements.

Africa

Central African Republic

On 25 October the Special Representative of the Secretary-General, Lamine Cissé, briefed the Council in informal consultations on the events in the Central African Republic since July 2004. Council members welcomed the extension of the United Nations Peace-building (BONUCA) Office mandate until December 2005 and called on the international community to provide financial support for the elections and to help consolidate the fragile peace in the Central African Republic. The Council adopted a presidential statement (S/PRST/2004/39) on 28 October.

Democratic Republic of the Congo

On 1 October, the Security Council unanimously adopted resolution 1565 (2004) extending by six months the mandate of the United Nations Mission in the Democratic Republic of the Congo (MONUC) and increasing its strength by 5,900 personnel.

Guinea-Bissau

In informal consultations on 22 October, the Assistant Secretary-General for Political Affairs, Tuliameni Kalomoh, briefed Council members on the situation in Guinea-Bissau since the 10 October memorandum of understanding was signed between the Government and the mutinous soldiers. The Economic Community of West African States (ECOWAS) was closely engaged. The top priorities for the Government were civil service salary arrears, security sector reform and economic reconstruction. Council members agreed that the root causes of the conflict had to be tackled and that a coordinated response was needed involving all relevant United Nations bodies.

Great Lakes

In an open meeting on 27 October, the Special Representative of the Secretary-General for the Great Lakes Region, Ibrahima Fall, briefed the Security Council on preparations for the first Summit of the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region in Dar Es Salaam on 19 and 20 November. Mr. Fall said that the Summit was expected to agree on a Declaration of Principles on the Consolidation of Security, Stability and Development in the Great Lakes region. It would set up a Standing Inter-Ministerial Committee to turn these principles into plans of action before the second Summit, scheduled to be held in Nairobi in 2005. The Nairobi Summit would adopt a Stability, Security and Development Pact for the Great Lakes region. Council members looked forward to implementation of the Conference outcomes and encouraged full participation by representatives of civil society.

Liberia

Council members reviewed the sanctions on Liberia in informal consultations on 7 October. Ambassador Akram of Pakistan, Chairman of the Liberia sanctions committee, briefed Council members on the latest report by the panel of experts and committee members' views on it. Council members welcomed partial progress towards meeting the conditions for lifting the diamond and timber sanctions, but concluded that the conditions had not yet been fully met. They emphasized that the sanctions were not intended to be punitive, and encouraged the National Transitional Government of Liberia to make further progress by the next review in December.

Somalia

In informal consultations on 26 October, Council members were briefed by the Secretary-General's Representative, Winston Tubman, on the Secretary-General's report of 8 October and on more recent developments in the Somalia National Reconciliation Conference. Mr. Tubman described progress in the Somalia National Reconciliation Conference as significant and urged international support. In view of the precarious situation inside Somalia, Mr. Tubman recommended an incremental increase in the role of the United Nations calibrated to political progress and security. Council members concluded that, while serious challenges remained in Somalia, there were some signs of light at the end of the tunnel. Council members later adopted a presidential statement (S/PRST/2004/38) in which they reiterated their commitment to a comprehensive and lasting settlement of the situation in Somalia, looked forward to the formation, in the near future, of a Transitional Federal Government inside Somalia, and commended States members of the Intergovernmental Authority on Development (IGAD), in particular the Government of Kenya, the African Union, as well as other countries and organizations for constructively supporting the Somali national reconciliation process.

Sudan

On 5 October the Special Representative of the Secretary-General, Jan Pronk, briefed the Security Council on the Secretary-General's reports on Darfur for September and the Naivasha process. It was Mr. Pronk's assessment that the Government of the Sudan had made virtually no further progress in September on security, disarmament and tackling impunity in Darfur. Council members expressed

concern at the continued lack of progress and agreed that the size and mandate of the African Union mission in Darfur should be expanded. Members also called for more international assistance to the African Union. Mr. Pronk also briefed the Council on the status of the talks in Naivasha and stressed the importance of reaching agreement. Mr. Pronk suggested a Security Council mission to Nairobi to underline this message to the parties.

On 26 October the Council adopted resolution 1569 (2004) formalizing its decision to hold a meeting in Nairobi on 18 and 19 November to discuss the Sudan and other peace efforts in the region, following an initiative taken by the United States Mission to propose the event.

Western Sahara

The Security Council held consultations on the United Nations Mission for the Referendum in Western Sahara (MINURSO) on 26 October. The Special Representative of the Secretary-General, Alvaro de Soto, introduced the Secretary-General's report and described to the Council the ways in which he had tried to move the process forward. On 28 October the Council unanimously adopted resolution 1570 (2004) to extend MINURSO for six months.

Americas

Haiti

The Security Council heard a briefing by the Assistant Secretary-General for Peacekeeping, Hédi Annabi, on the violence in Haiti and the work of the United Nations Stabilization Mission in Haiti (MINUSTAH). Members called for more troop contributions, political dialogue and disarmament, demobilization and reintegration in Haiti.

Asia

Afghanistan

The Council heard a briefing on 12 October by the Assistant Secretary-General for Peacekeeping, Hédi Annabi, on Afghanistan's first-ever presidential election. Mr. Annabi told the Council that no violent incidents had been reported and the popular verdict on the election, which took place on 9 October, had been overwhelmingly positive. Initial estimates indicated a high turnout. Counting was expected to last for several weeks. Mr. Annabi commended the role of the Governments of the Islamic Republic of Iran and Pakistan. He also informed the Council that the United Nations/Afghan Joint Electoral Management Body had established a panel to investigate reports of irregularities, including with regard to the use of indelible ink. Council members hailed the elections as a historic landmark in the Afghan political process and welcomed the secure environment in which voting had taken place. Members also called for attention now to focus on preparations for parliamentary elections. On 12 October the Council adopted a presidential statement (S/PRST/2004/35), welcoming the elections; congratulating the Afghans, the United Nations Assistance Mission in Afghanistan and the Joint

Electoral Management Body; and calling for preparations for parliamentary elections to get under way soon.

Bougainville

Council members heard a briefing on 11 October by the Assistant Secretary-General for Political Affairs, Danilo Türk, on the latest developments in Bougainville. He reported that over 94 per cent of all contained weapons had been destroyed. On a less positive note, he predicted that elections would not be possible until March/April 2005. Council members recognized the important role of the United Nations in the peace process and welcomed progress on weapons' destruction. There was broad agreement on the need for a closure plan for the United Nations Observer Mission in Bougainville (UNOMB).

The situation in the Middle East, including the Palestinian question

The Security Council held an open debate on the situation in the Middle East on 4 October at which Algeria introduced a draft resolution. The Council voted on the draft resolution on 5 October, but failed to adopt it. Subsequently the Council heard a regular briefing by Sir Kieran Prendergast, Under-Secretary-General for Political Affairs, on 22 October. In the informal consultations that followed, Council members discussed ways in which to reinvigorate the peace process and bring both parties back to the road map. In a brief statement to the press following consultations, the President highlighted the concerns of the Security Council at the lack of progress on the Middle East peace process and urged both parties to begin to implement, as soon as possible, the provisions of the road map.

On 5 October and 6 October the Permanent Representative of Lebanon and the Permanent Representative of the Syrian Arab Republic each sent a letter to the President of the Council, explaining their positions on Security Council resolution 1559 (2004). The Council discussed the Secretary-General's report (S/2004/777) on 8 October. Terje Roed-Larsen, the Secretary-General's Coordinator for the Middle East, introduced the Secretary-General's report and reiterated the Secretary-General's conclusion that the requirements of the resolution had not been met. In discussion, members differed on the full implementation and on the need for follow-up. On 19 October the Council adopted a presidential statement (S/PRST/2004/36) in response to the Secretary-General's report.

Iraq

On 1 October the Security Council replied to the Secretary-General's letter dated 21 September 2004 concerning the integrated United Nations security structure for the United Nations Assistance Mission for Iraq (UNAMI). The Council welcomed the arrangements set out in the Secretary-General's letter and urged Member States to respond positively with contributions.

On 14 October, members of the Security Council were briefed by the President of the Security Council on a meeting with Demetrius Perricos, Acting Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). Council members were told that Mr. Perricos had met with Charles Duelfer of the Iraq Survey Group on 8 October to discuss the contents

of the report of the Iraq Survey Group issued on 6 October. Mr. Perricos had also indicated that the next UNMOVIC quarterly report would be released to the Council on 1 December 2004.

Europe

Cyprus

On 11 October Council members heard a briefing by the Secretary-General's Acting Special Adviser in Cyprus and Chief of Mission, Zbigniew Wlosowicz, on the Secretary-General's latest report on the United Nations Peacekeeping Force in Cyprus (UNFICYP), including his recommendations for the reconfiguration of the UNFICYP mandate. On 22 October, the Council adopted unanimously resolution 1568 (2004), endorsing the Secretary-General's recommendations and extending the UNFICYP mandate until 15 June 2005. The Security Council held a meeting with UNFICYP troop-contributing countries on 8 October.

Georgia

Council members discussed the Secretary-General's report on the situation in Abkhazia, Georgia, in informal consultations on 27 October. Special Representative Heidi Tagliavini briefed Council members on the activities of the United Nations Observer Mission in Georgia (UNOMIG) and on developments since the report. The peace process had reached a virtual standstill. There were reasons for cautious optimism, but everything depended on a resumption of negotiations between the parties. Council members were unanimous in their concern at the state of the peace process and expressed hope that the next meeting of the Group of Friends of the Secretary-General would move it forward.

Other issues

Counter-terrorism

The Council unanimously adopted resolution 1566 (2004) on terrorism on 8 October. It is expected to give fresh impetus to United Nations work on counter-terrorism and to encourage coordination between different Security Council bodies dealing with terrorism.

Ambassador Denisov, Chairman of the Counter-Terrorism Committee (CTC), briefed Council members on the achievements of the CTC at an open meeting on 19 October. He stressed the importance of making the Counter-Terrorism Committee Executive Directorate operational as soon as possible and called on Member States to continue to meet their obligations under resolution 1373 (2001).

Humanitarian affairs

On 21 October Jan Egeland, Under-Secretary-General for Humanitarian Affairs, briefed the Council on the humanitarian situations in northern Uganda and the Darfur region of the Sudan. On northern Uganda, Mr. Egeland described the situation as the world's greatest neglected emergency and advocated a peaceful solution to the conflict. He highlighted the plight of the internally displaced persons and the impact of the conflict on children. On Darfur, Mr. Egeland drew attention to

the deteriorating security situation and the increase in humanitarian needs. Additionally, Mr. Egeland stressed the importance of early deployment of the expanded African Union mission; ending attacks against civilians; and making progress on a political settlement. Chad and Guinea were also mentioned in the context of early warning, where the deteriorating humanitarian situations had potential implications for regional stability.

International Criminal Tribunal for the Former Yugoslavia

On 14 October the Council adopted resolution 1567 (2004), thereby forwarding the nominations of judicial candidates for the International Criminal Tribunal for the Former Yugoslavia to the General Assembly for elections scheduled on 18 November 2004.

Justice and rule of law

The Council met in an Arria-formula meeting under Chilean chairmanship on 30 September to be briefed on justice and rule of law issues by representatives of the International Centre for Transitional Justice, William O'Neill (an independent consultant), the International Peace Academy, and Amnesty International. This dialogue informed the Council in preparation for the open meeting on justice and the rule of law on 6 October. At that meeting, the Council was addressed by the Secretary-General, Juan Mendez (Special Adviser on the Prevention of Genocide) and Mark Malloch-Brown (Administrator, United Nations Development Programme). There were 45 speakers, both Council and non-Council members. The Council adopted a presidential statement reaffirming the vital importance which it attaches to promoting justice and the rule of law, and urging the United Nations Secretariat to make proposals for implementation of the recommendations set out in the Secretary-General's report of 3 August 2004.

Women, peace and security

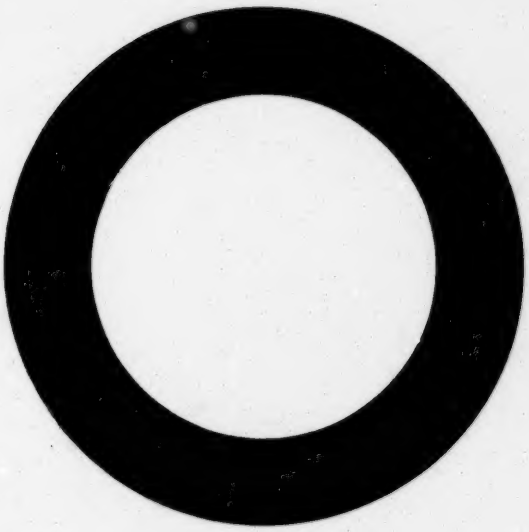
The Council held an open debate on 28 October to mark the fourth anniversary of the adoption of resolution 1325 (2000) on women, peace and security. The debate focused on gender-based violence in conflict situations. Jean-Marie Guéhenno (Under-Secretary-General for Peacekeeping), Louise Arbour (United Nations High Commissioner for Human Rights), Thoraya Obaid (Executive Director, United Nations Population Fund), Noeleen Heyzer (Executive Director, United Nations Development Fund for Women) and Agathe Rwankuba (from a women's organization in the Democratic Republic of the Congo) spoke. The Council adopted a presidential statement. Benin hosted an Arria-style meeting prior to the debate at which several non-governmental organizations, including from the Sudan, Rwanda and the Balkans, addressed different aspects of the implementation of resolution 1325 (2000).

Other events

Sierra Leone

On 27 October the President of the Security Council co-chaired, with the Presidents of the General Assembly and the Economic and Social Council, an open meeting to launch the final report of the Sierra Leone Truth and Reconciliation

Commission. The Deputy Foreign Minister of Sierra Leone, Mohamed Kamara, made a speech and formally handed over a copy of the Commission's report. Carol Bellamy, Executive Director of the United Nations Children's Fund, underlined the importance of children's testimony and recommendations for the future. The Permanent Representatives of Ghana and Nigeria also spoke, Ghana being the current chair of the Economic Community of West African States (ECOWAS) and Nigeria holding the chairmanship of the African Union.



United Nations S/2004/1039

Security Council

Distr.: General
31 December 2004

Original: English

Letter dated 31 December 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities (see annex), which was adopted by the Committee under the no-objection procedure on 28 December 2004 and is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Heraldo **Muñoz**
Chairman
Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

05-21530 (E) 260105

Annex

Report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

I. Introduction

1. The purpose of the present report is to present a factual summary of the Committee's activities during the period from 1 January to 31 December 2004, in accordance with the transparency measures outlined by the President of the Security Council in his note of 29 March 1995 (S/1995/234). The last annual report of the Committee was submitted on 2 April 2004 (S/2004/281).

II. Background information

2. Following consultations among the members of the Security Council, the Council, on 8 January 2004, agreed to elect the bureau of the Committee for 2004. Ambassador Heraldo Muñoz (Chile) was re-elected as Chairman and the delegations of Romania and Spain were elected as the two Vice-Chairmen (see S/2004/4).

3. On 30 January 2004, the Security Council unanimously adopted resolution 1526 (2004), by which it created a new, more demanding conceptual and substantive framework for future activities of the Committee on a longer, 18-month, basis. Although the resolution did not introduce any new mandatory measures, it clearly defined the mandatory sanctions measures, namely, the freezing of financial assets, the travel ban and the arms embargo, to be applied by States with respect to Osama bin Laden, members of the Al-Qaida organization, the Taliban and other individuals and entities associated with them as referred to in the Committee's list. The resolution also introduced a number of other measures with the aim of assisting Member States to enhance their counter-terrorism efforts.

4. The Security Council, in paragraph 6 of the resolution, established, for a period of 18 months, an eight-member New York-based Analytical Support and Sanctions Monitoring Team under the direction of the Committee. The resolution thus strengthened the central role of the Committee in monitoring and assessing information for the Council's review regarding the effectiveness of the measures, as well as in recommending improvements to the existing measures. Outlining the main responsibilities of the Monitoring Team in an annex to the resolution, the Security Council introduced more clarity with regard to the basic relationship between the Committee and the established monitoring body. The Council, in paragraphs 10 and 11 of the resolution, emphasized the need for dialogue between the Committee and Member States. The meetings with Member States and the visits to selected States mandated in those paragraphs were designed to achieve further progress in the implementation of sanctions measures. The requirement that all States report to the Committee was not included in the new resolution. The Council requested, however, in paragraph 22 of resolution 1526 (2004), that States that had not yet reported under resolution 1455 (2003) should do so. The resolution maintained the requirement for frequent reporting by the Chairman of the Committee on the work of the Committee and the Monitoring Team. It also

reiterated the need for close coordination and exchange of information between the Committee and the Counter-Terrorism Committee.

III. Summary of the activities of the Committee

5. During the reporting period, the Committee held 3 formal and 36 informal meetings at the expert level. The Committee continued its practice of holding primarily informal meetings. Early in February, the Committee endorsed its programme of work, based on resolution 1526 (2004), and the list of main issues to be discussed at informal meetings of the Committee. In April, the Committee approved a very detailed annual report containing information about the Committee's main activities in 2003 (S/2004/281).

6. Shortly after the adoption of resolution 1526 (2004), on 18 February, the Chairman briefed all Member States in great detail about the most important aspects of that resolution. The briefing was well attended, as representatives of 70 States showed their interest in the newly adopted resolution and the work of the Committee.

Establishment of focal points

7. The Committee has established a list of focal points similar to the list used by the Counter-Terrorism Committee. Such a list allows the Committee secretariat to automatically inform the competent government officials of Member States of amendments to the list immediately following their approval, as requested in paragraph 19 of resolution 1526 (2004). The contact list became operational by the end of 2004 and contains more than 300 contact points.

Non-reporting States

8. Pursuant to paragraph 23 of resolution 1526 (2004), the Committee, on 26 April, approved a report containing the list of those States that had not, by 31 March 2004, submitted either their report pursuant to paragraph 6 of resolution 1455 (2003) or an analytical summary of the reasons put forward for non-reporting pursuant to paragraph 22 of resolution 1526 (2004) (S/2004/349). The Chairman of the Committee introduced the report to the Security Council at its informal consultations on 27 April.

Exceptions under resolution 1452 (2002)

9. The Committee continued to consider notifications and/or requests made pursuant to resolution 1452 (2002) on an expedited basis. The Committee also maintains and regularly updates a list of notifying States. During the reporting period, the Committee received notification from 11 States on behalf of individuals seeking exceptions to the sanctions measures in accordance with paragraphs 1 (a) and (b) of resolution 1452 (2002). This was an increase in comparison with 2003, but the sums notified were quite low and five notifications came from the same State.

Non-mandatory measures contained in resolution 1526 (2004)

10. In several meetings in June, the Committee discussed a non-paper presented by the Chairman on non-mandatory measures contained in resolution 1526 (2004). In that connection, it was recognized that the resolution had introduced a number of measures that, while not obligatory, were nevertheless important for the overall implementation of the sanctions measures by States as they could provide inspiration on how to enhance their counter-terrorism measures. When considering in detail the non-mandatory measures, the Committee realized that some of them might in the future be developed into legally binding provisions, if appropriate and necessary.

Revision of the Committee guidelines

11. The Committee spent a considerable amount of time and effort revising the guidelines for the conduct of its work. The previous set of the guidelines, adopted in 2002, did not cover major developments introduced by the Security Council in resolutions 1455 (2003) and 1526 (2004). The Committee focused on amending the guidelines so that they could serve as a tool for rationalizing its own work and providing guidance to Member States in their implementation efforts.

Written assessment pursuant to resolution 1455 (2003)

12. In order to comply with its obligation under paragraph 15 of resolution 1455 (2003), the Committee approached the Monitoring Team with a request for assistance in providing an analysis of all States' reports received pursuant to resolution 1455 (2003). The analysis was provided to the Committee on 15 October and the Committee found it to be a valuable source of information, allowing it to come to its own conclusions. These have been reflected in the assessment submitted to the Council in December (S/2004/1037), to which the entire analysis of the Monitoring Team is attached. The Committee submitted the assessment with the expectation that such a document would serve as feedback for Member States that had submitted their reports while becoming a source of inspiration for States that had not reported yet.

Special briefings

13. On 20 October, Professor Rohan Gunaratna, a world-renowned expert on the Al-Qaida network and head of terrorism research at the Institute for Defence and Strategic Studies in Singapore, made a presentation to the Committee. Professor Gunaratna focused on the evolution of Al-Qaida and other associated groups and stated that terrorists were learning from their failed operations and reinventing themselves in response to new security measures adopted by States. Professor Gunaratna also stressed that conflicts were the primary source of terrorism and it was important for the United Nations to make every effort to resolve long-lasting conflicts. With respect to non-conflict-based terrorism, he noted that it was important to build a counterweight to extremism through education and economic development.

14. On 4 November, at its 24th meeting, the Committee was briefed by the Secretary-General of Interpol, Ronald K. Noble, and the Special Representative of Interpol to the United Nations, Ulrich Kersten. The Chairman, supported by many members, expressed the hope that closer cooperation between the Committee and

Interpol would lead to closer working relations in such areas as the improvement of the quality of the Committee's list and the distribution of information on listed individuals and entities. With regard to the travel ban, Mr. Noble indicated that strengthening the communication system and gaining more information from Member States, including photos and biometric data, was an important element for increasing its efficiency Mr. Noble invited the Monitoring Team to visit Interpol headquarters to explore technical issues.

Recommendations contained in the first and the second reports of the Monitoring Team

15. Between 3 and 30 September, the Committee considered, in the presence of the Monitoring Team, the recommendations contained in the first report submitted by the Team (S/2004/679) with the aim of agreeing on possible follow-up action. The Committee concluded its consideration by categorizing the recommendations into the following categories: (a) seeking the improvement of the effectiveness of the sanctions measures and the work of the Committee and the Monitoring Team; (b) requiring further discussion based on the provision of legal and other expertise; and (c) requiring further discussion and/or development.

16. The recommendations contained in the second report will be considered by the Committee at the beginning of 2005 in conjunction with the recommendations contained in the first report of the Monitoring Team.

Improvements to the Committee's list and its dissemination

17. The Committee continued to update its consolidated list of individuals and entities belonging to or associated with Al-Qaida and the Taliban on the basis of relevant information provided by Member States. The list continued to be the key instrument for States to use in enforcing and implementing the arms embargo, the travel ban and the assets freeze against listed individuals and entities.

18. During the reporting period, from 1 January to 31 December 2004, the Committee decided to add the names of 29 individuals and 15 entities to its consolidated list and made 1 deletion (see appendix). Following each update, the Committee issued a press release, circulated a note verbale and e-mailed the changes in the list to Member States. In accordance with paragraph 19 of resolution 1526 (2004), the Secretariat transmitted a hard copy of the list on a quarterly basis for the convenience of Member States. During 2004, the list was transmitted three times (SCA/2/04 (14) of 20 April, SCA/2/04 (20) of 30 July, and SCA/2/04 (24) of 10 November). Starting on 10 November, the Committee introduced the numbering of amendments to the list that had been made in the calendar year for better follow-up on the changes introduced by Member States.

19. On 26 November, the Committee approved extensive technical corrections to the list based on the information provided by some States, which had been reviewed and processed by the Monitoring Team (SC/8259). The corrections concerned 1 individual on the Taliban section of the list, 52 individuals on the Al-Qaida section of the list and 10 entities on the Al-Qaida section of the list.

Coordination with the Counter -Terrorism Committee

20. The Chairman established and maintained direct contact with the Chairman of the Counter-Terrorism Committee with the aim of gaining greater appreciation for the work of each Committee and avoiding any overlap, especially with regard to visits undertaken at the levels of Chairmen and experts. Members of the Committee stressed on many occasions the complementary functions of the two committees and the permanent need for exchange of information between them.

IV. Monitoring Team

21. The Security Council, in paragraph 7 of its resolution 1526 (2004), requested the Secretary-General, upon adoption of the resolution and acting in close consultation with the Committee, to appoint, consistent with United Nations rules and procedures, no more than eight members, including a coordinator, of the Monitoring Team. The members should demonstrate one or more of the following areas of expertise related to activities of the Al-Qaida organization and/or the Taliban: counter-terrorism and related legislation; financing of terrorism and international financial transactions, including technical banking expertise; alternative remittance systems, charities and use of couriers; border enforcement, including port security; arms embargoes and export controls; and drug trafficking.

22. On 17 May, the Monitoring Team submitted its programme of work, which included travel to selected countries as well as participation in meetings convened at the regional and international levels. The Monitoring Team undertook several trips, the outcome of which is detailed in the first report (S/2004/679) and second report submitted to the Committee in accordance with paragraph 8 of Security Council resolution 1526 (2004).

23. The first report stated that, although key members of the Al-Qaida leadership were preoccupied with their own immediate problems of survival, the existence of the network no longer depended on its core leadership, nor did it translate into decreased potential for further attacks in both Muslim and non-Muslim States. The Team noted the existence of several "franchise" or "start-up" operations in which groups with little or no direct contact with the central leadership had become new Al-Qaida operatives and affiliates. The report made reference to Al-Qaida's use of the mass media as a means of reinforcing its presence and also its exploitation of the Internet to further its operations. The Monitoring Team also expressed its concern over the potential use of alternative remittance systems, such as hawala, the lack of universal regulations governing the trans-border movement of currency and the exploitation of charities and other non-profit organizations for the possible financing of terrorist activities.

24. The Monitoring Team noted that the reports submitted by Member States were currently the only indicator of their compliance with resolutions 1390 (2002) and 1455 (2003). While many States reported action taken against Al-Qaida, few offered specific details or referred directly to the names on the consolidated list. On the basis of those reports, the Team noted that the sanctions regime imposed by the Security Council had had a limited impact, most notably owing to the constantly evolving structure of the Al-Qaida network and the general rigidity of the instrument of the list to reflect those changes. In regard to the arms embargo, the Team reported that most Member States believed that they had achieved effective

implementation by incorporating the measures into existing legislation, however, most Al-Qaida-related attacks had involved arms and explosives not covered by such measures. Accordingly, the Team recommended adding to the Committee's list the names of individuals and entities supplying Al-Qaida-associated terrorists with material or expertise to construct weapons designed to cause mass casualties. With regard to the travel ban, its implementation appeared to have little or no effect on Al-Qaida-related activities, owing in particular to the lack of detail of many entries on the Committee's list and because Member States were unsure of what to do when a listed individual was stopped at a port of entry. The Team also noted the need for better international distribution of information on lost and stolen travel documents and the need for border control systems linked to databases that make the use of forged documents increasingly difficult.

V. Visits by the Chairman and members of the Committee to selected countries

25. The Chairman took several trips to selected countries during the year pursuant to paragraph 10 of resolution 1526 (2004). The Chairman also attended the Regional Ministerial Meeting on Counter-Terrorism, held on 4 and 5 February in Bali, Indonesia. The Chairman visited Algeria, Tunisia, Spain and Senegal from 1 to 8 May; the Philippines, Thailand, Cambodia and Australia between 4 and 14 October and the Libyan Arab Jamahiriya, the Islamic Republic of Iran and Switzerland from 4 to 10 December. The outcome of the Chairman's visits has been reflected in great detail in his briefings given to the Security Council every 120 days (S/PV.4976 and Corr.1 of 25 May 2004, S/PV.5031 of 13 September and S/PV.5104 of 17 December 2004). On 12 January 2004 the Chairman briefed the Council pursuant to paragraph 9 of resolution 1455 (2003) (S/PV.4892 and Corr.1).

26. The visits were undertaken with the aim of enhancing the full and effective implementation of the sanctions measures and encouraging Member States to comply fully with all relevant Security Council resolutions. Another purpose was to demonstrate to Member States in general and the selected countries in particular the importance that the Council places on the implementation of its counter-terrorist measures. The visits provided the Chairman with an opportunity to directly discuss with ministers and senior officials of the selected countries their experiences in implementing the measures imposed by the Council, including the successes and challenges, and their need for assistance.

27. At all meetings the Chairman took the opportunity to explain the work of the Committee and to emphasize that the visits should not be perceived as inspections or criticism, but as a means of increasing dialogue and understanding better the concerns of Member States. The Chairman also stressed the need for States to submit more names for inclusion in the Committee's list. The Chairman, based on his visits, forwarded the following concrete recommendations to the Committee and the Security Council, some of them falling outside their respective mandates, but nonetheless important for the implementation of sanctions overall:

(a) A system of consultations between Member States submitting names for inclusion in the Committee's list should be encouraged. It was also suggested that the Committee should make wider use of pre-notifications;

(b) Cooperation between Member States should be furthered and the level of information-sharing increased. Consideration should be given to whether the Committee and the Monitoring Team can play a role in advancing information-sharing;

(c) In counter-terrorism efforts, there should be continued awareness on avoiding a North-South divide;

(d) There is a need for a dialogue between cultures that will further tolerance and mutual understanding; the fight against terrorism should address such issues as poverty reduction, employment and education;

(e) There continues to be a need for assistance in a number of countries and the Security Council should work with the Director of the Counter-Terrorism Committee Executive Directorate to strengthen the capacity of the Committee in this field;

(f) States are already working to implement reporting requirements for trans-border cash currency transfers, a development that should be encouraged;

(g) The system seen in some countries visited of requiring non-governmental organizations, charities and other organizations to maintain records for six years could serve as a model to be followed by other States;

(h) Awareness should be raised of terrorist activities financed through kidnappings, commercial enterprises used for raising or transmitting funds and other criminal activities linked to terrorism;

(i) The Committee may wish to consider how asylum law affects the sanctions against Al-Qaida and the Taliban, taking into consideration Security Council resolution 1566 (2004);

(j) More should be done to limit terrorist propaganda and the Committee should consider whether it could play a role in that regard;

(k) A perception of double standards in the fight against terrorism must be addressed; it should be clear to all that terrorism can never be accepted, regardless of the underlying causes;

(l) The Committee should continue to consider how the problem of terrorist financing through the cultivation, smuggling and trade in narcotics can be addressed;

(m) The deficiencies in the Committee's list and recommendations provided by the Monitoring Team and Member States should be acted upon;

(n) The Committee should continue to address concerns regarding the transparency of its work and the human rights implications of the sanctions measures;

(o) The Chairman and members of the Committee should continue to visit selected States.

VI. Future work of the Committee and issues pending

28. As one of its first tasks in the new year, the Committee will consider follow-up action suggested by the Monitoring Team in its second report, submitted on 15 December. The Committee will also conclude matters not finalized in 2004, including primarily the Committee's revised guidelines. Pursuant to paragraph 11 of resolution 1526 (2004), Member States have an opportunity, at the Committee's request, to send representatives to meet with the Committee for more in-depth discussion of relevant issues. Throughout 2004, no Member States availed themselves of this opportunity, despite the Chairman's frequent appeals to States to do so. However, one meeting with a Member State has already been planned for early 2005 and the Committee will strive to build on it to convene more meetings with interested Member States. Such meetings, and the visits of the Chairman to selected States, are an important element in the Committee's work, as they allow the members to better understand how Member States implement the sanctions measures.

VII. Observations and conclusions

29. The Committee in 2004 moved to a qualitatively higher level in implementing its mandate, in particular in monitoring the implementation of the sanctions measures by States. Several factors have contributed to this: (a) the new, more demanding conceptual and substantive framework set out by the Security Council in its resolution 1526 (2004); (b) the establishment and performance of a strengthened, professionalized expert monitoring body — the Monitoring Team; (c) the increased dialogue of the Committee with Member States through the Chairman's visits to selected countries and his subsequent briefing of the Committee, the Security Council and the mass media and his briefing of the Council every 120 days and briefing of Member States at public meetings; (d) enhanced cooperation with the Counter-Terrorism Committee, in particular at the expert level; and (e) increased contacts with relevant specialized international bodies such as Interpol.

30. The role of the Monitoring Team in further advancing the efficiency of the Committee's work cannot be stressed too much. The Coordinator of the Team and its members have established close working relations with the Committee and its Chairman based on full respect for their respective complementary mandates. The insights, advice and other assistance constantly provided by the Team to the Committee have proven to be essential to the Committee, enabling it to consider and act upon a number of important issues before it in a more substantive and profound manner. The Committee has also noticed that States, either in their capitals or through their permanent missions in New York, highly appreciate the frequent informal contacts that the Monitoring Team has instituted with them, both as a major tool for advancing its work and for the overall implementation of sanctions. The Monitoring Team has also constantly kept the Committee informed of its travel plans and the outcome of visits to a great number of States, international organizations and specialized conferences or other events. The practice of forwarding informative visit reports shortly after the completion of such trips has been found to be very beneficial by all members of the Committee.

31. The Committee has made a tangible contribution to the fight against terrorism during the past two years through the tool of sanctions implementation, thanks in

particular to the exceptionally devoted proactive chairmanship provided by Chile, first by Ambassador Juan G. Valdes and for the remaining period of 20 months by Ambassador Heraldo Muñoz. Ambassador Muñoz, in addition to his many functions as representative of his country on the Security Council, has worked tirelessly and creatively to enhance the quality of the work of the Committee and for the recognition and importance of its work, including through the mass media. He has gained well-deserved respect among Member States for enhancing the transparency of the work of the Committee and for its focus on concrete objectives, with a view to achieving added-value results. He has wisely determined that much of the work should be performed at informal meetings of the Committee to allow for enough flexibility in convening them and the free exchange of views, without a record. On 17 December 2004, when Ambassador Muñoz was providing his last 120-day briefing, all members of the Council paid tribute to him for the results the Committee had achieved under his leadership.

32. The forthcoming months of 2005 will be very important for the Committee in its efforts to consolidate and further develop all that has been achieved with respect to Al-Qaida and Taliban sanctions implementation. Even at this stage, based on the recommendations contained in the two reports submitted by the Monitoring Team, it is clear that there is a need for further fine-tuning of the current sanctions measures in order to provide Member States with an accurate tool allowing them to enhance their counter-terrorist measures. It is also evident that new complementary measures might need to be adopted to fill in any possible loopholes or uncovered areas. The Committee is also very hopeful that, in the absence of any new universal reporting or in addition to the previous one, the dialogue envisaged in paragraph 11 of resolution 1526 (2004) will fully develop into a flexible instrument allowing both States and the Committee to reach each other in their efforts to share information and to improve the practical implementation of the sanctions measures, as well as providing a forum for suggesting new ideas for further improvements. The first step in this direction is the written assessment by the Committee of the reports received pursuant to resolution 1455 (2003), which was prepared with the assistance of the Monitoring Team, providing feedback to Member States on their reporting.

Appendix

Changes made in the consolidated list of individuals and entities belonging to or associated with Al-Qaida and the Taliban in 2004

A. Individuals added

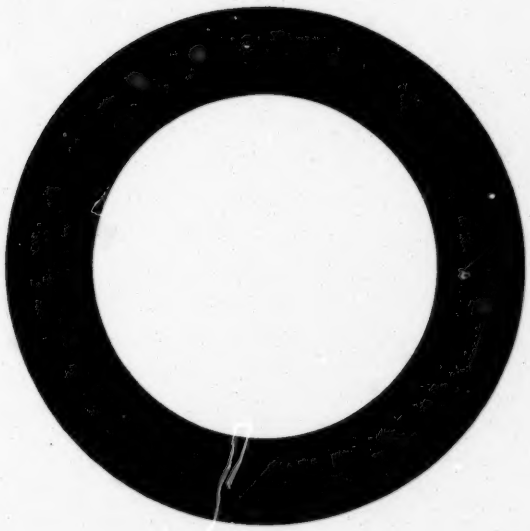
Date	*Name*	*Press release*
16 January	Sulaiman Jassem Sulaiman Abo Ghaith Jamel Lounici	SC/7983/Rev.1 22 January 2004
24 February	Shaykh 'Abd-al-Majid Al-Zindani	SC/8014 27 February 2004
17 March	Moustafa Abbes Youcef Abbes Abd Al Wahab Abd Al Hafiz Farid Aider Othman Deramchi Ali El Heit Fethi Ben Hassen Haddad Abderrahmane Kifane L'Hadi Bendebka Yacine Ahmed Nacer	SC/8029 18 March 2004 (as amended on 26 November 2004 — SC/8259 of 6 December 2004)
3 May	Hacene Allane Kamel Djermane Dhou El-Aich Ahmad Zerfaoui	SC/8084 4 May 2004
23 June	Mohamed Ben Mohamed Abdelhedi Kamel Darraji Mohamed El Mahfoudi Imed Ben Bechir Jammali Habib Ben Ahmed Loubiri Chabaane Ben Mohamed Trabelsi	SC/8135 25 June 2004
6 July	Aqeel Abdulaziz Al-Aqil Hassan Abdullah Hersi Al-Turki	SC/8143 8 July 2004
28 September	Suliman Al-Buthe	SC/8200 28 September 2004
22 December	Khadafi Abubakar Janjalani	SC/8279 23 December 2004
23 December	Saad Rashed Mohammad Al-Faqih Adel Abdul Jalil Batterjee	SC/8280 23 December 2004

B. Entities added

Date	*Name*	*Press release*
26 January	Al-Haramain Foundation (Indonesia) Al-Haramayn Foundation (Kenya) Al-Haramayn Foundation (United Republic of Tanzania) Al-Haramain Foundation (Pakistan)	SC/7991 28 January
11 May	Al Furqan Taibah International-Bosnia Offices	SC/8091 13 May
28 June	Al-Haramain and Al Masjed Al-Aqsa Charity Foundation	SC/8139 29 June
6 July	Al-Haramain (Afghanistan branch) Al-Haramain (Albania branch) Al-Haramain (Bangladesh branch) Al-Haramain (Ethiopia branch) Al-Haramain (Netherlands branch)	SC/8143 8 July
28 September	Al-Haramain Foundation (Comoros) Al-Haramain Foundation (United States of America)	SC/8200 28 September
18 October	Jama'at al-Tawhid wa'al Jihad	SC/8219 18 October

C. Individual removed

Date	*Name*	*Press release*
23 December	Shadi Mohamed Mustafa Abdalla	SC/8280 23 December



United Nations S/2004/1040

Security Council

Distr.: General
30 December 2004

Original: English

Note by the President of the Security Council

The President of the Security Council hereby transmits a letter dated 27 December 2004 from the Chairman of the Security Council Working Group on Peacekeeping Operations, forwarding his personal report on the activities of the Working Group on Peacekeeping Operations during 2004.

05-22131 (E) 090205

Letter dated 27 December 2004 from the Chairman of the Security Council Working Group on Peacekeeping Operations to the President of the Security Council

[Original: English and Spanish]

In my capacity as Chairman of the Security Council Working Group on Peacekeeping Operations, I have the honour to submit a personal report on the activities of this Group during 2004. The report is thus submitted under my sole responsibility.

It would be appreciated if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Cristián **Maquieira**
Chairman
Security Council Working Group on Peacekeeping Operations

Annex

Report on the activities of the Security Council Working Group on Peacekeeping Operations during 2004

I. Introduction

1. The Security Council during 2004 considered the issue of peacekeeping operations and the strengthening of cooperation between the Council, troop-contributing countries and the Secretariat.

2. The Security Council stressed during that period the importance of full compliance with the provisions of its resolution 1327 (2000) of 13 November 2000, as well as with the contents of previous statements of the President (S/PRST/1996/13 and S/PRST/1994/22).

3. In the light of the opinions expressed by the members of the Security Council during the debate that took place at its 4257th meeting, on 16 January 2001, on the issue of the strengthening of cooperation with troop-contributing countries, it was recognized that relations with troop-contributing countries could be improved and that to do so it was necessary to work together with a common purpose to achieve the shared objectives and to promote a new spirit of partnership, cooperation and confidence between the Security Council, the Secretariat and troop-contributing countries.

4. The Security Council thus decided to establish a Working Group of the whole on United Nations peacekeeping operations. The Working Group would not replace private meetings with troop-contributing countries and would address both generic peacekeeping issues relevant to the responsibilities of the Council and technical aspects of individual peacekeeping operations.

5. Accordingly, the Working Group was charged with seeking the opinions of troop-contributing countries, including through meetings between the Working Group and troop-contributing countries, with a view to making their opinions known to the Security Council.

6. In fulfilment of this mandate, the Working Group met on four occasions in 2004. The principal statements and discussions at these meetings are detailed below in the present report.

II. Meetings

A. First meeting, on 2 April 2004

7. The first meeting of the Working Group on Peacekeeping Operations had as its main objective to discuss the peacekeeping operation in Burundi and was attended by the 15 members of the Security Council. Troop contributors, such as India, South Africa and others, as well as financial contributors, such as Japan and some of the neighbouring countries of Burundi, were also invited to the meeting.

8. The Department of Peacekeeping Operations was represented by the Assistant Secretary-General, Hédi Annabi, who was accompanied by Colonel Nicholas

Seymour and by the Civilian Police Adviser, Kiran Bedi, both of the Military Division of the Department.

9. The meeting began with a presentation by the Department of Peacekeeping Operations delivered by Mr. Annabi, who said that significant political progress had been made towards a cessation of hostilities in Burundi and that the parties seemed genuinely prepared to build a future of peace.

10. He added and emphasized that the African Union, with the support of troops from Ethiopia, Mozambique and South Africa, had played an important role in the peace process in Burundi. However, the African Union had requested the United Nations to take charge of the peace process in Burundi and to expand the size of the peacekeeping force in that country. That had led the Secretary-General to request that the Security Council consider the deployment of a multidimensional United Nations peacekeeping operation comprised of a military component based on the reassignment of the military component of the African Union Mission and consisting of a total of 5,650 troops, including 200 military observers, and a civilian component drawn from the current capacity of the United Nations Office in Burundi.

11. The Assistant Secretary-General also reported that some progress had been made thus far towards the planning of disarmament, demobilization, reinsertion and repatriation operations. With the assistance of the World Bank, the United Nations Office in Burundi and the African Union Mission, the appropriate structures had been created and the armed groups were assembling their forces at the designated sites to prepare for disarmament.

12. He continued by stating that the support for elections and the transition process must be accompanied by development options that could definitively transform the lives of the population. The ideal was to be able to deploy a strong force in Burundi in support of the transition process.

13. In order to determine how best to contribute to the fulfilment of the provisions of the Arusha Peace and Reconciliation Agreement for Burundi, an evaluation mission was sent which concluded that it was possible to expand the role of the United Nations and thus provide support for the peace process.

14. The most immediate priority proposed for the military component was for it to assume and to strengthen the role played thus far by the African Union Mission, undertaking as its principal task to supervise the pre-disarmament assembly sites, guaranteeing their security, collecting weapons and destroying unstable arms and munitions. In turn, as additional tasks, protection had to be provided for United Nations personnel and equipment; the freedom of movement of United Nations personnel and the personnel of humanitarian organizations had to be facilitated; the civilian population had to be protected and, to the extent possible, support had to be provided to the local authorities for creating the conditions of internal security and providing support during the electoral process.

15. The peacekeeping operation would need a civilian police component to support the elaboration of a comprehensive plan for the establishment and strengthening of the National Police of Burundi, as well as to provide support for the planning and implementation of a training programme for the National Police, to develop the training curricula, and to assist in the selection of candidates and training instructors.

16. He concluded by stating that the force in Burundi could not remain in place for an indefinite period and that a review would be conducted six months after the elections to determine when it should leave the country. He then expressed appreciation for the excellent work done thus far by the African Union Mission and, in accordance with the request that had been made, the Mission would be strengthened with the creation of the United Nations Peace Mission, in which the regional organization would provide more than half of the United Nations force.

Comments of the delegations of the Security Council and invited persons

17. The comments focused on the following issues:

- The biggest challenge for the peacekeeping mission is to achieve a total ceasefire, which has not been achieved thus far.
- The problem in Burundi is political but with ethnic characteristics that complicate its solution.
- An exit strategy must be developed for the mission once the objectives and established time frames have been met.
- It would be appropriate to review the mandate and presence of the mission after six months from the date of the elections.
- Care must be taken to prevent a precipitate withdrawal in order to avoid a repetition of regrettable situations with peacekeeping operations that had to be restarted because of the failure to achieve the complete stability and progress needed to guarantee their sustainability over time.
- The conditions for deployment of a peacekeeping operation are the best that they have ever been because of the work already done by the African Union Mission.
- The peacekeeping operation must work towards improving the situation in order to enable the elections to be held.
- It is a very positive development that the peacekeeping operation planned for Burundi is multifunctional and interdisciplinary.
- Delegations that are not members of the Security Council expressed satisfaction at the format of the meeting and their desire that it should be maintained and that meetings should be held with greater frequency.

B. Second meeting, on 11 June 2004

18. The second meeting was held with the participation of only the members of the Security Council.

19. The topics dealt with were the following:

- Role of the Security Council in the light of the increase in the number of peacekeeping operations.
- Format and contents of a periodic review of peacekeeping operations.
- Format of meetings of the Working Group on Peacekeeping Operations and potential invitees to the meetings.

Role that the Security Council can play in the light of the increase in the number of peacekeeping operations in terms of adequate time to put together the personnel, funding and logistical arrangements

20. The principal ideas expressed on this topic were the following:

- Rapid reaction of the United Nations to crises is critical and, to that end, it is important to overcome the difficulties in recruitment of personnel, logistics, funding and meeting civilian police needs, among other things.
- The need to prevent crises from developing.
- Planning for the rapid deployment of the United Nations.
- Availability of a list of possible candidates who can cover the civilian police needs of peacekeeping operations.
- Identify and have waiting lists of French-speaking police officers who can be included in peacekeeping missions.
- Have exit strategies for peacekeeping forces and provide for them to be relieved by the forces of regional organizations.
- Evaluate implementation of the mandate of peacekeeping operations.
- Assist the Department of Peacekeeping Operations in keeping the Security Council informed of key problems facing peacekeeping missions.
- Determine what the Working Group on Peacekeeping Operations can achieve without duplicating the efforts of other United Nations organs.
- Identify peacekeeping missions that must be renewed with a view to meeting beforehand to consider how to improve the peacekeeping mission without duplicating the work of the Group of 34.
- Have a United Nations rapid deployment force.
- Troop-contributing countries should have a reserve force which should be available for rapid deployment.
- Examine the possibility of a pre-mandate in order to have forces available.
- There is a major change in the peacekeeping situation as a result of which old methods can no longer be used to deal with logistic and personnel problems.
- The Working Group must meet more frequently, interact with countries and monitor the work of the Department of Peacekeeping Operations.
- Study the recruitment practices of the Department of Peacekeeping Operations with a view to improving these operations.
- Also address the new element of the security of peacekeeping forces, attacks against them and the lack of respect which this implies for United Nations mandates.
- Measures that the Security Council should adopt to prevent the loss of lives and materials of peacekeeping missions. What are the rules for preventing such losses?

- Consider in the Working Group the issue of the excessive use of Chapter VII of the United Nations Charter in peacekeeping mandates.
- Examine the need to consider military aspects in peacebuilding operations.
- Undertake reforms that would permit the United Nations to develop a strategy to identify and study potential threats.
- Examine with the Department of Peacekeeping Operations how to reform mandates when the political conditions in which a current operation is taking place change.
- Examine how the Working Group relates to the Department of Peacekeeping Operations with a view to reporting thereon to the Security Council.
- Obtain more information from the Department of Peacekeeping Operations about difficulties on the ground.
- Strengthen the work of the Military Staff Committee, which would improve the work of the Security Council.

Format and content of the periodic review referred to in the statement by the President of the Security Council of 17 May 2004 (S/PRST/2004/16)

21. The main ideas on this subject were the following:

- Once again mention was made of not duplicating the work of other organs.
- Examine how discussions can be had with the Department of Peacekeeping Operations, the planning capacity to deal with this increase in the number of peacekeeping operations, and review what authority exists for a mission prior to its deployment.
- Consider how to undertake periodic reviews, which should be done in a manner similar to the reviews used by the military, and in a very simple way should describe the status of each mission, the areas where problems are being encountered and ways to improve the situation or resolve the problems.
- Have an independent snapshot of each peacekeeping mission, in the preparation of which, in addition to the Department of Peacekeeping Operations, other United Nations organizations and agencies involved in peacekeeping operations, such as the United Nations Development Programme, should also participate.
- The evaluations must be practical in nature to provide value-added.

Follow-up

Invitation to the Department of Peacekeeping Operations

Frequency of meetings

Invitation to the biggest financial and troop contributors to peacekeeping operations

22. The main ideas on this topic were the following:

- Invite the Under-Secretary-General for Peacekeeping Operations to attend a meeting of the Working Group, for which a paper will be prepared with the

issues to be discussed with the Department of Peacekeeping Operations, and request that he put forward in detail his views on those issues.

- Proposal that the five largest troop and financial contributors should participate in the meetings of the Working Group.
- Need for flexibility to invite other countries, depending on the subject being dealt with or the peacekeeping mission being considered.
- Differentiate between the five largest financial contributors, which is an issue that is clear, but differentiate between the five largest contributors in accordance with the importance of each country to specific missions.
- Let those countries that intend to contribute with resources participate, instead of those which, despite having a legitimate interest in peacekeeping operations, only wish to talk.
- A determination must be made of which States are useful in this wave of peacekeeping operations to be able to contribute and they should be invited to participate in meetings.

C. Third meeting, on 2 July 2004

23. The Working Group on Peacekeeping Operations met for the third time on 2 July, with the participation of the Assistant Secretary-General, Jane Lute, of the Office of Mission Support of the Department of Peacekeeping Operations, to consider an agenda that included the following two items:

(a) Issues related to the increase in peacekeeping missions and the challenge that that poses for the Department of Peacekeeping Operations;

(b) Future activities of the Working Group in these areas, including the question of convening the largest contributors to peacekeeping operations.

Issues related to the increase in peacekeeping missions and the challenge that that poses for the Department of Peacekeeping Operations

24. The Assistant Secretary-General, Jane Lute, in her presentation to the members of the Working Group, said that there was currently an unprecedented increase in peacekeeping operations, which posed great difficulties because of the environment in which the demands were being made and because of the simultaneous nature of the demand for such a large number of peacekeeping missions, which made it difficult to determine the timeliness of such missions.

25. In strategic terms, she said that it was an interesting period, since Member States could approach problems of the world through regional and local organizations or through the United Nations. That meant that the Department of Peacekeeping Operations was practically in a market together with the Security Council.

26. On the other hand, it was established that not all problems being experienced by States had easy solutions and that the United Nations was the only organization that really had a budget to confront such problems.

27. In addition, those peacekeeping operations were currently being carried out under Chapter VII of the United Nations Charter, and more frequently than at any earlier stage when Chapter VII was used to send a signal to the parties, while currently it was so that they could begin to use weapons in the discharge of their mission and under strict rules of engagement.

28. In her opinion, the work of the Security Council had contributed a great deal to the solution of specific internal problems of States, and it could be said that those were intrusive operations under Chapter VII. It also meant that peacekeeping operations no longer needed only the use of force to establish peace, but that different tasks were also being carried out related to the processes of economic and political development of States.

29. That meant that there was a change in the expectations for peacekeeping operations, so that no State assumed the burden of what it was believed had to be assumed by the United Nations, which then posed a problem for the organization of missions and represented a collective commitment when the Security Council acted through its resolutions.

30. The questions that we must pose based on the above are the following: When can one say that an established peacekeeping mission has succeeded? In what cases are Blue Helmets the solution to the problems of States? Under what conditions should the United Nations intervene?

31. There are no common replies to each situation, but what must be understood is that integrated peacekeeping operations will not resolve by themselves the internal problems of States but rather will create the conditions for nationals of that State to take responsibility for their own destiny.

32. The Department of Peacekeeping Operations was currently reviewing when peacekeeping operations should be adapted, when to expand them and also when to close them. Here there emerged an issue of considerable relevance, which was the availability of resources to launch a peacekeeping operation.

33. As the Brahimi report (A/55/305-S/2000/809) states, these operations must be organized and become operational within a maximum period of 90 days. However, it has been seen that no State is capable of launching a peacekeeping operation within this period when there is no prior planning and no resources are available.

34. The future of peacekeeping operations is at a strategic turning point where the emphasis must be placed on their regional dimension and on the capacity of regional organizations to assume responsibility for mounting or contributing the most resources to peacekeeping operations to act in their region.

35. For the success of a peacekeeping mission, a vital component is the commitment of local people to take ownership of the process and assume responsibility for the conduct of their affairs, taking advantage of the conditions which peacekeeping forces have been able to establish.

36. The delegations stated their views as follows:

- With regard to the greater use of Chapter VII of the Charter, some delegations of non-permanent members expressed the view that that should not become routine and that not all peacekeeping operations should be undertaken under that Chapter, but only those that were necessary. Others expressed the view

that the use of Chapter VII created greater expectations, but also gave more flexibility for the use of the tools of combat.

- There was emphatic agreement that all necessary resources should be provided to organize peacekeeping operations and that the idea could be considered of having pre-established forces available which could be deployed rapidly to deal with emergency situations.

- The United Nations continues to be the main organization with the capacity to organize peacekeeping operations. However, regional groups can make a bigger contribution, thereby making resources from outside the region unnecessary.

- The prevention of situations is an issue that needs to be more effectively addressed, thereby strengthening the principle of the provision of resources to do so. That brings up the question of how to improve the intelligence available to the Department of Peacekeeping Operations to anticipate events and to prepare the resources that will be needed for future operations.

- With regard to the organization of peacekeeping operations, some delegations pointed to the need for the biggest contributors to be involved in the operation during its planning stages in order to ensure greater participation and to receive their support in the early stages of the process.

- Another important aspect that was discussed was that the effectiveness of a peacekeeping operation had nothing to do with its size and volume but rather depended on the mandate that it received and its efficient and timely organization to enable it to fulfil its mandate.

Future activities of the Working Group in these areas, including on the question of inviting the largest contributors to peacekeeping operations

37. The following views were expressed:

- On this question, there was no consensus since some delegations wanted all financial and troop contributors to participate in the meetings on a permanent basis. Other delegations were of the view that the Working Group should proceed in the matter on a case-by-case and meeting-by-meeting basis.

- There was also a discussion on the participation of neighbouring countries when the situation of a State in conflict or a given peacekeeping operation was being reviewed. As with the contributors to peacekeeping operations, most delegations preferred the matter to be considered on a case-by-case basis.

D. Fourth meeting, on 27 August 2004

38. On 27 August, the Working Group on Peacekeeping Operations held its fourth meeting, which was attended by the Under-Secretary-General, Jean-Marie Guéhenno, Head of the Department of Peacekeeping Operations, to consider an agenda that included the following items:

- Challenges facing the Department of Peacekeeping Operations in the design, planning and deployment of new peacekeeping missions, while it continued to support ongoing missions.

- Support for missions under pre-mandate commitments.
- Recruitment of troops and civil police for the command posts and field units.
- The situation of Brindisi and the problems of accumulating stockpiles to meet deployment needs on a timely basis.
- Integrated planning of peacekeeping operations.
- Establishment of a method and format of evaluation to achieve this objective, which should be short, practical and easy to use.

Presentation of the Under-Secretary-General, Jean-Marie Guéhenno, Head of the Department of Peacekeeping Operations

39. In his presentation, he stated that the meetings of the Working Group were a positive initiative that permitted the establishment of closer links between the Secretariat and members of the Security Council on those issues. He gave an overview of the current situation in peacekeeping operations and added that over the next few months 27,000 more troops would be needed, in addition to 2,500 civilian police, 1,300 observers, 4,000 local staff and 2,000 international personnel. All of that represented a cost of approximately $2 billion.

40. The Department of Peacekeeping Operations had had an extremely heavy workload in recent times, since it had to launch a series of new missions and to expand ongoing missions, such as, for example, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). That presented no great difficulties in budgetary terms, since funding was available for them. However, it represented a heavy burden in terms of the workload for personnel in the Department.

41. With regard to what was stated in the Brahimi report, namely, that it should be possible to deploy a peacekeeping operation within a period of 90 days, he said that it was a goal that they were striving to achieve under the difficult conditions of the moment, since several missions had to be serviced at the same time while a number of others had to be deployed simultaneously and resources committed to ensure the maintenance of ongoing missions. He added that military personnel with the greatest experience in such deployments were aware of the difficulty of that activity.

42. He continued by saying that new peacekeeping operations were rather complex, mainly because the parties to the conflict did not respect the peace agreements made. In order to enforce compliance, there must be peacekeeping troops which, while acting in a cordial and friendly manner with the population, at the same time had the capacity to use weapons when necessary.

43. The main difficulties faced by the Department of Peacekeeping Operations were to persuade countries to provide more technical and specific resources such as helicopter units and communications and engineering units. He also said that there was a need for adequate hospital units in the field, since that gave more peace of mind to the forces for the fulfilment of their missions and they were force-multiplying elements.

44. Among the difficulties faced in securing and deploying troops was the fact that when a mission was to be deployed in regions where adequate facilities and accommodations such as airports did not exist, countries would definitely not go,

and that was why the Department could not comply with the deadline of 90 days for the deployment of an operation.

45. On the other hand, there must be fully simultaneous efforts to effect deployments and when a piece of the puzzle of launching a peacekeeping operation was missing, it had consequences for the rest of the puzzle and disrupted planning. The logistical aspect was vital in that sense and if it failed or was delayed, then the Department obviously could not deploy troops in the field until a solution was found.

46. With regard to the deployment of civilian police, it was necessary to reconcile quantity and quality, which was the best way to be effective. What was needed was not only a group of trainers but also policemen to deploy in the field and to see how police departments functioned and give them advice. There must be cultural sensitivity in that regard.

47. If obtaining troops was difficult, securing policemen was even more so, since normally they were occupied in the activities of their respective countries. Moreover, obtaining good policemen was even more difficult. Obtaining policemen who spoke local languages was also a challenge. Establishing a police force in the country that had the trust of the population was a vital aspect for the success of a peacekeeping operation.

48. On the question of strategic deployment, he said that they were pleased that stockpiling would be authorized based on the situation in Brindisi. He also added that a mechanism was needed to facilitate the purchase of equipment.

49. With regard to ways of improving the Department of Peacekeeping Operations, he said that when a mission was evaluated, an integrated team was sent. That team later became a coordinating oversight group. He added that when a mission changed, an evaluation team was also sent out. The next step was to have a plan and to that end they were working on a manual so that the different components involved in the deployment of a peacekeeping operation would understand each other and be coordinated in order to serve the main component. The objective being pursued was to operationalize integrated planning for which the manual would be used.

50. It was more work for the Department of Peacekeeping Operations to have three operations of 5,000 troops than one of 15,000. To deal with several simultaneously meant that there was a shortage of personnel to service them.

51. He concluded by stating that at the end of July 2004 there were 60,000 persons in 17 peacekeeping operations and that it was a challenge "to have to repair a boat while it was sailing". For the success of peacekeeping operations, there must be commitment by all the parties involved in the conflict and, in particular, by the international community beginning with the Security Council. The key elements of each operation depended in turn on political, economic and military factors.

Statements by delegations

52. The statements focused on the following issues:

- Better coordination was needed between countries and the Department of Peacekeeping Operations, not with a view to supervising what the Department

was doing but to more effectively address the challenges that were common and which must be faced together.

- The sudden increase in peacekeeping missions had required the Department of Peacekeeping Operations to take measures that were effective but we must ask ourselves how that surge in demand could be more effectively met.
- Peacekeeping operations must create the spaces and conditions for the development of political processes that would restore normalcy to the country.
- The resources that were needed for each peacekeeping operation should be determined so that better use could be made of existing capacities.
- It was necessary to establish a method to evaluate the most urgent needs.
- The real need for continuing with peacekeeping operations on the same scale as when they began should be determined and ways of reducing them should be sought when they had achieved objectives, thus permitting priorities to be established.
- Greater emphasis should be placed on continuing dialogue with the Department of Peacekeeping Operations and more countries should be included in the meetings of the Working Group. On that question, there were differences of opinion and the criterion that should be used was to view each meeting on a case-by-case basis.
- Interest was expressed in focusing the meetings of the Working Group on more practical issues.
- It should be determined how countries that provided more troops could receive requests on a more timely basis.

III. Final observations

53. At the meetings held by the Working Group over the course of 2004, it was pointed out that the great value of the Group was to create a spirit of partnership, cooperation and confidence between the Security Council, the Secretariat and troop-contributing countries, which are the main reasons for which it was established and in some cases it has gone beyond that. Indeed, as the present report shows, the Working Group dealt with various issues concerning the relationship between troop contributors and peacekeeping operations but also focused attention on the relationship between the Council and the Department of Peacekeeping Operations, both in their mutual relations and in terms of how to deal jointly with the demands of peacekeeping, both from the perspective of new and increasingly complex operations and from the point of view of the management of ongoing operations.

54. In this process, the Working Group has clearly demonstrated its value as the appropriate instrument for discharging the functions of the Security Council in the area of peacekeeping.

55. It is my opinion that, after a tentative beginning, the Working Group has gone beyond the functions initially foreseen for it. The Group can perfectly well assume operational functions — and not simply functions of diagnosis and analysis as has been the case thus far — in the relationship between Department of Peacekeeping Operations and the Security Council.

56. To this end, it is vital for the Working Group to cease being "informal" and to become a full-fledged subsidiary organ of the Security Council. As provided for in the initial agreement that gave rise to the establishment of the Working Group (S/PRST/2001/3), the meetings of the Working Group are required to take into account the working calendar of the Council, a limitation that is not imposed on any other subsidiary organ and which means, in practice, that the Working Group is not free to convene its meetings as other subsidiary organs are. Because of this, it has been necessary to suspend many meetings, such as those that were held this year, because of the lack of services or because the services had to be provided to another subsidiary organ. From the substantive point of view, the Working Group is also in a position to be a forum of the Council and to have a more effective role in terms of peacekeeping mandates. Nothing prevents the Working Group, for example, from being the forum for discussion of the terms of the future mandate of a peacekeeping operation or of the renewal of an existing mandate with a view to reaching broad agreement which experts, acting as a drafting committee, could later convert into a specific draft.

57. With these modifications, the Working Group on Peacekeeping Operations could better discharge its functions and be of greater use to the Security Council.